COMMISSION OF INQUIRY
ST. JOHN'S METROPOLITAN AREA

FEASIBILITY REPORT concerning a revised mandate for the St. John's Metropolitan Area Board.

R.A. Fagan, *Chairman*
J. Henley Andrews, B.A., LL.B.
M.F. Harrington, B.A.
Commisioners

OCTOBER 31, 1987

COMMISSION OF INQUIRY
ST. JOHN'S METROPOLITAN AREA

Commissioners
Ronald A. Fagan, Chairman
Janet Henley Andrews, B.A., LL.B.
Michael F. Harrington, B.A.

OFFICE:
Elizabeth Towers
P.O. Box 9835
St. John's, NF
A1A 4J7
(709) 739-1802

October 31, 1987

The Honourable Norman E. Doyle
Minister of Municipal Affairs
Confederation Building
St. John's, Newfoundland
A1C 5T7

Dear Sir:

We are pleased to submit herewith the Feasibility Report concerning the matter of a revised mandate for the St. John's Metropolitan Area Board.

This Report is based upon the evidence presented to the Commission in written briefs and during the public hearings, and upon further research and analysis by the Commission.

In our opinion the Report addresses the concerns raised and proposes a sound basis for regional servicing, development control and orderly growth in the St. John's Urban Region.

Respectfully submitted.

Ronald A. Fagan
Chairman

RAF/mk

Preface

This Feasibility Report is unique in that it is the first to specifically address regional matters in accordance with *The Municipal Feasibility Report Regulations, 1980.* Moreover, unlike previous feasibility reports it is not in response to a specific proposal. Rather, it examines an existing situation and makes a proposal which it then evaluates. The Commission, itself, is unique in that it is composed of three members, rather than the one appointed to previous commissions to prepare feasibility studies under the provisions of *The Municipalities Act.*

At the outset the Commission had to dispel some misconceptions about the purpose and intent of the Feasibility Study. Some municipal councils had considerable knowledge of the subject under review and addressed it in a broad manner. Others looked at it almost solely from a local perspective reacting primarily to their fear of regional government and its supposed negative effects on local municipalities. During the public hearings, the Commission had to allay concerns about community identity and loss of autonomy, increased taxation and bureaucracy and availability of access to Provincial Government Departments. Some municipalities were strong supporters of a regional approach and most recognized the need for regional servicing. With the knowledge and insight gained from the public hearings, the Commission decided that its primary task was to develop a proposal which would address regional matters and not impact negatively on local municipalities. This Feasibility Report is an attempt to address the concerns raised and to make recommendations on the basis of sound municipal planning for the region.

The Commission acknowledges with appreciation the briefs and presentations of the following:

Municipal Council of Bay Bulls
Municipal Council of Conception Bay South
Municipal Council of Flatrock
Municipal Council of Goulds
Municipal Council of Holyrood
Municipal Council of Logy Bay - Middle Cove-Outer Cove
Municipal Council of Mount Pearl
Municipal Council of Paradise
Municipal Council of Petty Harbour - Maddox Cove
Municipal Council of Portugal Cove
Municipal Council of St. John's
St. John's Metropolitan Area Board
Municipal Council of St. Phillips
Municipal Council of St. Thomas
Municipal Council of Torbay
Municipal Council of Wedgewood Park
Municipal Council of Witless Bay
The Citizens' Committee of Elizabeth Park - Evergreen Village
The Citizens' Committee of Kilbride
The Citizens' Committee of Olivers Pond
The Citizens' Committee of Topsail Pond
Three Island Pond
The Citizens' Committee of Windsor Heights
The St. John's Board of Trade
Mr. Clarence E. Button
Mr. Gerard Healey
Mr. Robert Stacey

In the course of its work the Commission received information, guidance and assistance from Government Departments in this and other Provinces and from municipal councils, organizations and individuals in the Region and throughout the Province. We would like to thank all those who assisted, including officials of the Provincial Departments of Municipal Affairs, Environment, Health, Justice, and Rural Agriculture and Northern Development - Lands and Soils Management Division. In particular we wish to express our appreciation and thanks to Mr. John O'Dea and senior staff ofthe St. John's Metropolitan Area Board, to officials of the City of St. John's and other municipal councils in the Region, to Mayor George Saunders, former chairman Exploits Regional Services Board, and to the following Provincial Government officials: Mr. Don Hurd, Mr. Eric Mercer and Mr. Clarence Randell.

We note with appreciation the work of our Engineering Consultant, Mr. C. R. Elliott, P. E. of Elliott & Elliott Limited. Finally, we wish to express our very special thanks and appreciation to the Commission's staff Andrea Dicks, Researcher - Writer and Maureen King, Secretary. Their organizational skills, competence, tireless work and dedication were invaluable to the work of the Commission.

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Chapter I

PURPOSE OF THE REPORT

PURPOSE OF THE REPORT

(Section 9(a) Municipalities Feasibility Report Regulations 1980)

By order dated 31 day of March, 1987 (a copy of which is annexed to this Report as Schedule "A") the Honourable Norman E. Doyle, Minister of Municipal Affairs, ordered that a Feasibility Report be prepared concerning the matter of a revised mandate for the St. John's Metropolitan Area Board and pursuant thereto:

1. the establishment, disestablishment, and amalgamation of municipalities, the establishment and alteration of city and municipal boundaries, and the status of municipalities in the St. John's Urban region;
2. the area and boundaries of the Region;
3. the responsibilities and powers of councils; and
4. the composition and status of councils.

The undersigned were appointed Commissioners under the powers vested in the Minister under section 9(1), section 256(1) and section 301(1) of *The Municipalities Act* and a Report was ordered to be prepared in accordance with the provisions of *The Municipalities Act* and the *Municipal Feasibility Report Regulations, 1980.*

Pursuant to *The Municipalities Act* and the *Municipalities Report Regulations, 1980* the Commissioners are to consider evidence, representations and information taken at public hearings and from any other source. The evaluation is to be made in accordance with the criteria that are prescribed in the Regulations.

According to the Regulations the Commissioners are directed to submit a written report containing:

(1) The information required by Section 8 of the *Feasibility Regulations*

- (a) a copy of all written submissions submitted at the public hearings or at any other time;
- (b) a synopsis of the evidence taken at the public hearings; and
- (c) a copy of any documents or things pertaining to the feasibility report that have been considered by the persons appointed to prepare the report.

(2) As required by Section 9 of the *Feasibility Regulations*

- (a) a clear statement of the purpose of the report,
- (b) a statement explaining and describing the existing situation in the area under consideration, relative to the purpose of the report, and an outline of the possible impact of the proposal on the area;
- (c) an evaluation of the effect of the proposal relative to the following criteria:
  - (i) **access** of the people to elected and appointed officials;
  - (ii) **representation** in accordance with the distribution of population;
  - (iii) **community identity**;
  - (iv) **suitability** and need of the area for municipal servicing;

(v) **physical constraints** to municipal servicing;

(vi) **administrative capability** of the municipality;

(vii) **coordination** of municipal services and functions throughout the area concerned;

(viii) **cost efficiency** for the type of administration proposed for the scale of services required;

(ix) **feasibility** in terms of revenues and expenditures;

(x) **equity** in terms of both the taxpayer's ability to pay and the benefits he receives;

(xi) **response** of tax yields to changes in economic activity;

(xii) **equality** among adjoining municipalities considering their different needs and assets;

(xiii) **simplicity** of proposed municipal structure;

(xiv) **acceptability** of proposals at local and regional levels.

3. In accordance with Section 10(3) the recommendations of the Commissioners shall include–

(a) In the case of Regions:

(i) a description of the proposed boundary;

(ii) the name of the region;

(iii) the number of councillors;

(iv) the number of Wards and their boundaries, and the number of councillors to represent each ward;

(v) the status of Council;

(vi) regional responsibilities and powers within municipalities and cities and in unincorporated areas;

(vii) the establishment of local service districts and advisory committees;

(viii) ancillary powers of the regional council;

(ix) the adjustment of assets and liabilities;

(x) the effective date.

(b) (i) the disposal of assets and liabilities;

(ii) the effective date.

The purpose of this report is to consider the matter of a revised mandate for the St. John's Metropolitan Area Board and other matters pursuant thereto. It will be completed according to *The Municipalities Act* and the *Feasibility Regulations* in an attempt to make rational decisions and recommendations on the basis of sound municipal planning for the region.

THE EXISTING SITUATION

(Section 9(b) Municipalities Feasibility Report Regulations (1980)

The St. John's Metropolitan Area was created in 1963 by *The St. John's (Metropolitan Area) Act.* An appointed Board was established to control and administer the fringe areas surrounding the City of St. John's and the Town of Mount Pearl. The St. John's Metropolitan Area Board was given all the powers of a municipality to exercise local government responsibility and general control of development throughout the area.

At present the Board consists of nine members, who are still appointed by the Lieutenant-Governor in Council. The Chairman and five members are appointed at large; two members represent the St. John's Municipal Council and one member represents the Mount Pearl Municipal Council. The Board considers and decides on matters relating to the local government administration of the St. John's Metropolitan Area, the operation and maintenance of the regional water supply system and the funding of regional water and sewer projects.

In addition to the full-time Chairman, the Board has a permanent staff of 37 persons. They include a Town Clerk, Town Planner and Town Engineer. Of this number, 17 are engaged in operating the Board's local government functions and 20 are employed in the operation of the Regional Water Supply System.

In 1987, the Board levied a water and sewer fee of $144.00 per annum and an urban property tax of 10 mills for the Designated Service Area of Elizabeth Park and Evergreen Village. Urban property tax has been levied by the Board since 1975. A rural property tax was first introduced in 1986 and the current taxrate is 4 mills. Business tax has been levied by the Board since 1975 with the current levy being 21 mills.

The Board provides local government administration, planning, engineering, development control, building inspection, fire protection, animal control, assessments, recreation grants, garbage collection and street lighting throughout the metropolitan area. In addition, the Board provides Elizabeth Park and Evergreen Village with a full level of urban services which includes road maintenance, snow clearing and piped water and sewer.

The Board's total expenditure in 1987 is $3,735,382. This is comprised of $1,912,236 for the regional water system and $1,823,146 for local government administration. All of the regional water system expenditure is recovered on a user-fee basis. The Municipal Government revenue from all sources, including taxes, fees, administration charges and statutory grants from the Province, is $1,823,146. Included in this amount is an accumulated surplus from prior years of $448,777, without which the Board is unable to balance its 1987 budget unless it takes drastic action or seeks a substantial special grant from the Province.

Since 1963 the St. John's Metropolitan Area has undergone several changes. In 1969 the Metropolitan Area boundaries were extended to include the Bay Bulls Big Pond Protected Watershed. At the same time the Windsor Lake/Broad Cove River and the PettyHarbour/Long Pond Protected Watersheds were removed from the Metropolitan Area leaving the City with authority to exercise control in its watersheds. That same year, 1969, the Board's first municipal plan was approved and its planning area was extended. Over the years the Board has been given jurisdiction over additional communities. However, inevitably most of these have become incorporated as separate municipalities and have been deleted from the Metropolitan Area.

Beginning in the early 1970s areas under the Board's jurisdiction located on the fringes of the City of St. John's and the Town of Mount Pearl began to develop on the basis of urban services. Several such residential areas were developed and remained under the Metropolitan Board's control. In these Designated Service Areas special taxes could be imposed to pay for both the construction and operation of municipal water and sewer and other urban services.

During the 1970s, municipal government in the Province and in the St. John's Urban Region in particular came under a great deal of study. *The Royal Commission on Municipal Government in Newfoundland and Labrador* was completed in 1974. The Whelan Commission, as it became known, recommended major changes in municipal legislation, municipal funding and municipal organization. A new *Municipalities Act* and a new *Municipal Grants Act*, which came into force in 1980, reflect the Whelan Commission's major recommendations, including provision for the establishment of regional councils.

The completion of the St. John's Urban Region Study and the subsequent Royal Commission, known as the Henley Commission, focused attention on the problems of planning, development and administration in the Region. The Henley Commission, on the basis of a definitive study of the region, made major recommendations on the premise *"that certain problems and functions of an area wide nature should be handled by one central authority while other problems and functions of a purely local nature should be more appropriately handled by a local municipal government."* Further, the Commission, *"recognizing the need for a central form of government to coordinate and administer certain regional services"*, recommended a two-tier system of municipal government for the St. John's Urban Region. The first tier would consist of the local municipalities, including an expanded City of St. John's, and a second tier would be a regional government to provide regional coordination and servicing and the provision of basic municipal services to the unincorporated areas.

As a result of the momentum created by the Whalen and Henley Commissions the St. John's Urban Region was established by the Province in 1976 and regional government legislation for the Region was introduced in 1977 and again in 1978. The bills were not passed. However, *The Municipalities Act* which was proclaimed in 1980 includes provision for the establishment of regions and regional councils.

The Province prepared and adopted the St. John's Urban Region Regional Plan in 1976 and the St. John's Metropolitan Area was extended to include the lands within the Region outside incorporated municipalities. In 1978 the Board's jurisdiction was extended to include the formerly unorganized communities of Bay Bulls and Witless Bay.

That same year responsibility for the Bay Bulls Big Pond Regional Water System was transferred to the Board thus beginning its role in regional servicing. This role was further emphasized by the Province in a Ministerial Statement dated July 15, 1981:

> *"The future of the St. John's Metropolitan Area Board will be:*
>
> *to control development within the otherwise unorganized areas of the St. John's Urban Region;*
>
> *to provide basic rural local government services to the residents of those areas;*
>
> *to administer and operate the regional water services and such similar regional services that may be required in the future."*

In 1985 the Board was given responsibility by the Province for funding of water and sewer projects, which serve more than one municipality in the region.

The Board's jurisdiction was extended in 1982 to include the lands within the Windsor Lake/Broad Cove River and Petty Harbour/Long Pond Protected Watersheds. That same year, major residential and commercial lands of the St. John's Metropolitan Area were annexed to the adjacent municipalities of the City of St. John's and the Town of Mount Pearl, following the St. John's Urban Core hearings by Commissioner Powell.

This trend continued in 1986 with further feasibility studies and the annexation by the City of St. John's of East Meadows, Urban Kilbride, Shea Heights and Freshwater Bay; the incorporation ofthe communities of Bay Bulls and Witless Bay as separate municipalities, the incorporation into one municipality of the communities of Logy Bay/Middle Cove/Outer Cove, and the expansion of the Town of Torbay to include the former Metropolitan Board Area along Torbay Road. In 1987 the Town of Pouch Cove was expanded to include the community of Shoe Cove; and a feasibility study was ordered to consider the incorporation of the community of Bauline.

The regional servicing role of the St. John's Metropolitan Area Board has increased. Its local government function has clearly declined. However, paradoxically, it continues to supply full urban services to the growing Designated Service Area of Elizabeth Park-Evergreen Village.

The recent municipal incorporations and boundary alternations, along with previous incorporations and boundary changes over the years, have drastically reduced the St. John's Metropolitan Area's population and the tax base on which the Board relies for the financing of local government administration. The Board has not, however, taken steps to reduce its staff and overhead costs in line with its reduced local government responsibilities and its ability to pay for same. The operation of the Regional Water System, based on a userfee, cost recovery concept, is self-sustaining; as would be any such similar regional services in the future. The Board's capacity to raise property taxes and fees to cover general administration and local government services costs,however, is limited.

Since its incorporation, the St. John's Metropolitan Area Board has come under increasing criticism because it is an appointed body and not elected. With the imposition of property taxes throughout the area this criticism has increased. The Board's role has evolved into one of providing regional services to user municipalities, in addition to its initial role of planning and managing development throughout the Metropolitan Area and providing local government services. With further incorporations and boundary changes, its area will shrink and its population and revenue base will continue to decline.

With the urban core of the region reorganized and most of the communities incorporated, the Provincial Government has decided that it is appropriate to examine the St. John's Metropolitan Area and a revised mandate for the Board.

PUBLIC HEARINGS AND A SYNOPSIS OF EVIDENCE
(Section 8 (c) of The Municipalities Feasibility Report Regulations 1980)

The Municipalities Feasibility Reports Regulations, 1980 under *The Municipalities Act* require that the Commission submit to the Minister of Municipal Affairs a synopsis of the evidence taken at the public hearings. Since the material contained in the written submissions to the Commission were often supplemented or qualified by the oral presentations at the hearings, the Commission has deemed it expedient to summarize not only the oral submissions but the written submissions made by the various interested parties who attended the hearings.

The Commission conducted ten (10) public hearings as follows:

1) April 29, 1987 - Foran Room, City Hall, St. John's
2) May 4, 1987 - Town Hall, Town of Portugal Cove
3) May 6, 1987 - All Saints Parish Hall, Foxtrap, Conception Bay South
4) May 12, 1987 - Town Hall, Goulds
5) May 14, 1987 - Town Hall, Torbay
6) May 21, 1987 - Town Hall, Mount Pearl
7) May 25, 1987 - Rotary Park, St. John's Metropolitan Area Board
8) May 27, 1987 - Foran Room, City Hall, St. John's
9) June 2, 1987 - Town of Holyrood
10) June 4, 1987 - Witless Bay Community Centre, Witless Bay

April 29, 1987 - Foran Room, City Hall, St. John's

The first public hearing conducted by the Commission was held at the Foran Room at City Hall in the City of St. John's on April 29, 1987. The meeting convened at 10:00 a.m. No municipalities or other interested bodies had given any notice of their intention to make a presentation at that time. None of the persons attending the hearing were, at that time, prepared to make their presentations. The Commission therefore took the opportunity to conduct an information session with respect to the mandate of the Commission and to answer questions respecting the course of the public hearings from those present.

May 4, 1987 - Town Hall, Town of Portugal Cove

A hearing was held in the Town of Portugal Cove on May 4, 1987 at which the Town of Portugal Cove made an oral presentation. This was supplemented by a brief which was presented to the Commission in June 1987.

At the hearing in the Town of Portugal Cove, the Town Council, through Councillor Pat Murray and its planning consultant, William Titford, expressed the view that the Town of Portugal Cove does not rely on shared services with other municipalities and is therefore not concerned with some of the greater regional issues. It was also made clear that the Town of Portugal Cove wishes to gain jurisdictional control over the areas within the Portugal Cove drainage basin. As with other municipalities, one of the primary concerns of the Town was that it retain direct lines of communication with the Provincial Government. It was concerned that a regional authority might interfere with this ability to communicate directly.

The brief submitted by the Town of Portugal Cove indicates that it would like to obtain control of the lands outside the present boundary which drain through Portugal Cove including the residential community of Windsor Heights and lands along Old Broad Cove Road which are not within the Windsor Lake watershed area. It was acknowledged that there would be

a need to have a joint municipal authority of some nature to manage the water supply and sewerage disposal systems. The Town Council also indicated that there were certain areas, in particular, planning and building inspection, where cost sharing with neighbouring municipalities would be an advantage. They also saw regional waste disposal sites as having potential for joint municipal control.

The Town Council of the Town of Wedgewood Park submitted a brief to the Commission. It recommended the establishment of the St. John's Metropolitan Area Board as a regional council incorporated under *The Municipalities Act.* The regional council would provide regional services, and support and encourage the continued existence of small and large municipalities which would allow residents to choose the form of local government best suited to their needs.

The Town of Wedgewood Park emphasized that it is a viable vibrant community and that its residents have no wish to become part of any other municipality in the region.

The Town of Wedgewood Park submitted that the regional authority should be responsible for regional water supply systems and sewage treatment, regional storm drainage and flood control, and regional solid waste disposal sites.

Enforcement of regional regulations, provision of ambulance service, animal and dog control, regional fire protection and regional planning would be regional responsibilities. Recreation services would remain local in nature. The Town supported regional transit provided that the municipality would not lose its school bus system. It also supported the concept that certain municipal functions might be undertaken by the regional council by agreement with municipalities on a fee for service basis.

Funding for major capital works would be provided by the Province and/or the federal government. There would be no direct taxation of residents.

May 6, 1987 All Saints Parish Hall, Foxtrap, Conception Bay South

A hearing was convened at the All Saints Parish Hall in Foxtrap, in the Town of Conception Bay South on May 6, 1987. A number of members of the public attended but no briefs were submitted nor presentations made at that time.

May 12, 1987 Town Hall, Goulds

At the public hearing in the Town of Goulds three presentations were made: one by the Town of Goulds; one by the Town of Petty Harbour-Maddox Cove and one by the Topsail Pond-Three Island Pond Citizens' Committee.

The Town of Goulds submitted a one page brief which suggested that the St. John's Metropolitan Area Board remain as it exists today. The Council indicated that it was opposed to regional government and felt that another level of government was unnecessary. It did, however, believe that the St. John's Metropolitan Area Board should have expanded responsibilities for regional services such as garbage collection and disposal, firefighting, snow clearing and water and sewer. In the alternative, if the St. John's Metropolitan Area Board did have to be phased out, then the Town Council of the Town of Goulds believes that all municipalities bordering on those areas should expand their municipal boundaries and take in the lands now under the control of Metro Board. In particular, the Town of Goulds indicated that it was willing to accept responsibility for large areas of lands as follows:

1. a parcel of agricultural land on the northern boundary of the Town extending west to Heavy Tree Road, northeast along the Arterial, north to Tobin's Road and to Bay Bulls Road;
2. the land north and east of the Town's boundaries extending up to the boundary of the City of St. John's and to the coast excluding Petty Harbour-Maddox Cove;
3. the land to the south side of first Pond and all the area, including Second Pond, to the coast with a southern boundary approximately parallel to the Town's existing southern boundary;
4. the land on the western boundary of the Town extending south from Cochrane Pond Road and taking in Bay Bulls Big Pond.

Due to the brevity of the Town of Goulds' brief, considerable discussion book place with Mr. Hutchings, who presented the Town of Goulds' position. It became clear that the Town of Goulds preferred to leave the St. John's Metropolitan Area Board as it is today. While the town is prepared to take over the areas outlined above, its Council does not see any great benefit in acquiring most of those areas as there is very little tax base there. On the other hand, if there were to be changes to the present system, then the Town of Goulds would opt for regional services such as garbage collection and disposal, fire fighting, snow clearing and water and sewer. In addition, they might be interested in such "soft" services as centralized collection of taxes and engineering services. Their main concern was any increased cost which might be involved in regional government and which would be required to be paid by the Town. They were also particularly concerned that any regional services authority or regional council might preclude their dealing directly with the Department of Municipal Affairs on matters affecting the municipality itself. There did not appear to be any objection to regional services being provided by a Regional Authority as long as there was no significant cost to the Town of Goulds and as long as the Regional Authority would not be a layer between the municipality and the Department of Municipal Affairs.

The second presentation at the May 12 hearing was made by the Town of Petty Harbour-Maddox Cove through its Mayor, Ron Walsh. Mr. Walsh read the brief submitted by the Town and discussion followed.

The brief presented by the Town of Petty Harbour-Maddox Cove indicated that the St. John's Metropolitan Area Board should be disbanded. The Town Council did not approve of appointed bodies. The Town also wished to expand its boundaries south to include the Anglican Cemetery and the seven homes now under the control of Metro Board in that area and to extend its boundary in the other direction to the new Cape Spear Highway joining the southern boundary of the City of St. John's. The Town of Petty Harbour-Maddox Cove suggested that some form of regional committee would have to be retained to regulate such things as the Bay Bulls water supply, garbage sites, etc. although they felt that this could be accomplished through the Department of Municipal Affairs or the larger centres such as St. John's, Mount Pearl or Conception Bay South. Notwithstanding those comments, the Town of Petty Harbour-Maddox Cove was concerned that the creation of a regional council would be expensive and require the imposition of additional taxes.

In the discussion which followed the presentation of the brief, a major concern was the lack of suitable land for new housing in the municipality. They were also concerned about the scenic designation of a portion of the Maddox Cove Road which the Town felt was totally

inappropriate. There were also discussions concerning the options with respect to regional services. The Town of Petty Harbour-Maddox Cove didn't feel that it would need to be represented on such a regional council as it presently does not use very many of the regional services. It is, however, using some services such as dump sites and fire fighting. The Town was prepared to go along with one representative from the Bay Bulls, Witless Bay, Goulds and Petty Harbour town councils on the regional authority.

In the area of soft services, the Town of Petty Harbour-Maddox Cove was most interested in animal and dog control. Mr. Walsh said "I mean anyone who can solve that problem for us, we will give them whatever taxes we are collecting. We have tried it and we can't do it!"

The Topsail Pond-Three Island Pond Citizens' Committee then presented its brief to the Commission. It was presented by Ralph Wiseman and Monika Behr. The main concern of that group was the effect, if any, that changes to the St. John's Metropolitan Area Board would have on their particular region, which is presently under the jurisdiction of Metro Board.

The brief presented by the Topsail Pond Three Island Pond Citizens' Committee indicated that the area is a rural residential area which requires minimal servicing. All services are presently received either from St. John's Metropolitan Area Board or from neighbouring municipalities. The Committee was eager to submit to the Commission its preferences if it turned out that it was to be annexed to one of its neighbouring municipalities, i.e. either Conception Bay South or Paradise.

The Topsail Pond - Three Island Pond Citizens' Committee had met with both Conception Bay South and Paradise. They had conducted a referendum which, they indicated, resulted in 83.9% of the residents favouring amalgamation with the Town of Paradise as opposed to amalgamation with the Town of Conception Bay South. The major concern was the preservation of the present zoning designations. It appeared that the Town of Paradise had promised that it would create a ward system and constitute the Topsail Pond-Three Island Pond area a ward for the purposes of representation on the Council. It was not opposed to a regional authority or regional council within the meaning of *The Municipalities Act.*

During the discussions which followed the presentation of the report, it became clear that the residents of the Topsail Pond-Three Island Pond area were concerned that their future might be determined by considerations affecting the Octagon Pond Industrial Park which the Town of Conception Bay South, they felt, wished to annex. Their main consideration with respect to their preference for the future was the fact that the Town of Paradise had offered them representation on the Council.

May 14, 1987 Town Hall, Torbay

The Towns of Torbay, Flatrock and Pouch Cove presented briefs at the hearing conducted at the Town Hall in the Town of Torbay on May 14, 1987.

The Torbay brief was presented by Cyril Power, Deputy Mayor of Torbay.

The main thrust of the brief prepared by the Town of Torbay was that the town is not presently dependent upon regional services and some areas won't need servicing for years as long as the current town plan is complied with. The Town felt that if Metro Board were to be disbanded, then all lands in the area should be placed with existing towns. Again, the

major concern was additional cost and additional bureaucracy. The proposal of the Town of Torbay was that regional services should be managed by a chief executive officer and a planner and a couple of other people, i.e. an administrative board. This board would handle the regional water supply.

In the discussions which followed, the Town of Torbay indicated a concern that having a representative on a regional services type of authority would be one further responsibility for its councillors who serve on a volunteer basis and do not really have the time.

In the area of soft services, Mr. Power indicated that the Town could avail of planning and electrical inspection or animal and dog control on a fee for service basis. Again, its main concern was additional taxes.

The brief of the Town Council of Flatrock was presented by Mary Russell, Deputy Mayor of Flatrock and by Rita Farrell, Town Clerk.

The brief of the Town Council of Flatrock indicated that it was totally opposed to any form of regional council or regional services body. It also favoured the disbanding of the St. John's Metropolitan Area Board and the allocation of all its lands to existing municipalities. In addition, the Town of Flatrock wished the agricultural designations in its Town to be removed. In discussion, it was equally clear that the Town of Flatrock was totally opposed to any form of regional government. It did not see that it would avail of any of the services and was not prepared to contribute to the cost. It was also concerned that a regional government would intervene between the Town of Flatrock and the Department of Municipal Affairs.

The third brief of the evening was presented by the Town Council of the Town of Pouch Cove through its mayor, Samuel Connors. He read the brief and commented on it as it was presented.

The Town Council, in its brief, indicated that it was in favour of a revised mandate for the St. John's Metropolitan Area Board which would involve a Regional Authority. It considered that solid waste disposal sites, and animal control could be availed of by the Town of Pouch Cove. It suggested a regional council consisting of five to ten members although a minimum of five would be sufficient. Of these, three members would be elected at large and the remaining two elected by municipalities in the region. It was the view of the Town of Pouch Cove that it's essential that there be representation from small towns in the region to ensure their interests are given due consideration.

In discussion, considerable emphasis was placed upon potential adjustments to the boundaries of the Town of Pouch Cove. The Town of Pouch Cove indicated that it was not interested in acquiring the Cape St. Francis area as it is presently almost inaccessible by road and would be very expensive to service. In addition, there was a discussion of the provincial park which is partly contained within the Town.

On the question of boundaries, the Town of Torbay wished that all lands now under the jurisdiction of Metro Board be placed under the control of the nearest town or community council based on location and historical data. The Town of Flatrock wished that areas currently under Metro Board be integrated into neighbouring towns leaving the Bay Bulls regional water supply and the St. John's water supply areas to the Province or to the City of St. John's.

The Town of Pouch Cove wished that the boundaries of the regional authority encompass the area from Witless Bay and Holyrood to Cape St. Francis and that these boundaries be inclusive of all the municipal boundaries because it did not believe that these were a concern of the Commission although, in discussion, some boundary issues were addressed.

May 21, 1987 Town Hall, Town of Mount Pearl

A public hearing was conducted at the Town Hall, in the Town of Mount Pearl on May 21, 1987. A brief was presented by the Town of Mount Pearl by its Mayor, Harvey Hodder. Mr. Hodder proceeded to read the brief on behalf of the Town with editorial comment.

The Town of Mount Pearl supported the proposition that the Town of Paradise annex the areas of Elizabeth Park-Evergreen Village and Topsail Pond-Three Island Pond.

With respect to its own boundary ambitions, the Town of Mount Pearl wished to acquire some territory to the east between the Town and the boundaries of the City of St. John's and the Town of Goulds by acquiring the lands to the west of the proposed east/west Arterial Road. The Town of Mount Pearl also wished to expand to the south of its present border to include the are abounded on the west by the Trans-Canada Highway, on the east by the water supply main from Bay Bulls Big Pond and including Cochrane Pond Park.

The Town supports the concept of a Regional Authority appointed from elected officials of local councils. It recommended a Regional Authority consisting of no more than 13 members with an appointed chairman, three representatives from the City of St. John's. two representatives from the Town of Mount Pearl, two representatives from the Conception Bay South / Holyrood area, one representative from Pouch Cove / Flatrock / Bauline / Torbay and Logy Bay - Middle Cove - Outer Cove, and one representative from Bay Bulls / Witless Bay / Goulds and Petty Harbour and one representative from the Portugal Cove / Hogan's Pond / St. Phillips / St. Thomas / Paradise area.

The Town supports a proposition that the geographic area covered by the Regional Authority be the geographical area now known as the St. John's Urban Region but excluding those lands within municipal boundaries. The Regional Authority would have jurisdiction and control of watershed areas, regional assets and of agricultural lands as long as they remained agricultural.

The Town proposed that the regional authority would provide two types of services to the local municipalities: mandatory services and optional services. The latter would be contracted out and purchased by local municipalities as and when desired. The Town proposed that regional water supply, trunk sewers, regional waste disposal, car wreck removal and regional planning would be mandatory services. The Town took the position that policing services, ambulance services and fire protection were either provincial or local in nature and should not come under the jurisdiction of a regional authority. The Town was of the view that optional services could include animal and dog control, local planning and tax billing and collection services which would be funded on a fee for service basis.

As with other municipalities, the Town of Mount Pearl was of the view that the regional authority should not have the power to levy taxes within municipalities. All funds for regional services were to come on a fee for service basis based on the cost of operating the particular

regional function. The Town proposed that insofar as possible town boundaries should be coterminous in order to keep direct municipal services provided by the Regional Authority to a minimum. In areas where it is not feasible to expand local municipal boundaries, the Regional Authority would be responsible for providing local municipal services and would collect property taxes from the residents. It was the opinion of the Town of Mount Pearl that the areas outside of municipal boundaries should, where possible, be organized into local service districts.

In the discussion which followed, the Town indicated its frustration with the St. John's Fire Department and the cost associated with it. The Town indicated that it was now planning to set up its own fire department which, it felt, would reduce its costs. Discussion on the proposal with respect to agricultural land also took place. The Town of Mount Pearl felt that agricultural land could be within a municipality but be under the jurisdiction of the regional authority for agricultural purposes. The Towns concerned would then issue building permits with respect to residences on the property but the regional authority or the Department of Rural, Agricultural and Northern Development would be responsible for the agricultural aspects. It was noted, however, that since agricultural land is not subject to property taxes, there would be little return to the Town or any other town in taking over agricultural land and the servicing of it. In the course of discussion, the Town indicated that it would have no objection to agricultural land being completely under the jurisdiction of the regional authority provided that when an agricultural designation was removed, then the land removed from the zone would automatically be transferred to the neighbouring municipality.

On the other hand, the Town of Mount Pearl indicated it would like to see the watershed areas stay solely and directly under the Regional Authority because of the need to protect the areas. Mr. Hodder supported the proposition that people who are now living in watershed areas be given every encouragement and compensation to move and their lands and their buildings acquired.

May 25, 1987 - Rotary Park, St. John's, Metropolitan Area

A hearing was held at the Rotary Park on May 25, 1987. Presentations were made by the Town of Paradise, the Town of St. Phillips and the Elizabeth Park Evergreen Village Citizens Committee.

The presentation on behalf of the Town of Paradise was made by Rick Fifield, Deputy Mayor of the Town and Chairman of the Development Zoning Committee. A brief was submitted and an oral presentation made. Mr. Fifield commented on the reports that had previously been submitted with respect to the St. John's Urban Region and then proceeded to read the brief.

The Town of Paradise proposed that there be a regional services authority. Its primary function would be to develop and operate government services which are inter-municipal. It would not interfere in the normal relationship between municipalities and various departments of the provincial government.

Representation on the authority would be determined by electing representatives from existing municipalities. It was proposed that each municipality in the region have representation on the authority and that this be weighted to allow multiple representatives from the larger municipalities.

Certain services provided by the Regional Authority would be mandatory and some would be optional. No municipality would have a veto power. The thrust of its proposal was that if the regional authority was responsible for solid waste disposal, a member municipality would not be allowed to establish its own solid waste disposal site. However, a member municipality which was not using a particular service would not have to pay for it and, in addition, could not set up its own similar service unless it was too remote from the regional services. All water supplies, whether local or regional in nature, would be taken over the regional authority.

The regional authority would not impose taxes upon individuals in member municipalities. Its revenues would come from fees for service and provincial grants. Fees for service would be based upon cost recovery for the service.

The Town of Paradise proposed that all of the protected watersheds, pumping and treatment facilities and trunk supply mains of the water supply within the region would be under the control of the regional authority. The local distribution system would continue to be the responsibility of the individual municipalities. Sewage treatment, i.e., trunk sewers and sewage treatment plants would be the responsibility of the regional authority as would solid waste disposal. Collection of solid waste would remain a local municipal function. Storm drainage, regional roads, fire protection and policing should be regional functions as would large scale parks and open spaces such as Pippy Park and possibly Bowring Park, the Aquarena, the Arts and Culture Centre and public libraries. The regional authority could provide an economic promotion and development function on a cooperative basis and might, in the future, deal with public transportation. Subsidized housing might also be a regional responsibility in the future but the Town of Paradise had not investigated that issue in any great detail.

The Town also indicated that there would be a number of services that municipalities could benefit from on an optional basis where the provision of the service by the regional authority would be more economical. These included tax billing and collection, planning, development control, animal control and building, electrical and plumbing inspection services. These would be billed to participating municipalities on a contractual cost recovery basis.

The Town of Paradise believes that the regional authority should have no land base other than that which was necessary to carry out a particular function. It indicated an interest in acquiring the Topsail Pond-Three Island Pond area, the Evergreen Village-Elizabeth Park area and the remainder of the Octagon Pond Development Area, part of which is already within its municipal boundary.

In discussion, the Town of Paradise proposed that it might be able to share the Octagon Pond Development Area with the Town of Conception Bay South. The Town of Paradise recognized that Conception Bay South was in need of an industrial tax base. The Town of Paradise felt that Conception Bay South would try and establish its own industrial park if it did not have access to the revenues from the Octagon Pond Industrial Development Area. In those circumstances, the Town of Paradise indicated that it was prepared to share the Octagon Pond Industrial Development Area with the Town of Conception Bay South and each would share in the costs and revenues from the Area.

In discussion, the Town of Paradise conceded that there would be certain areas where it would not be reasonable to give each municipality a vote on the regional authority.

The Town had many concerns with respect to the present provision of fire protection services.

The Town of Paradise was followed by the Town of St. Phillips. Ian Churchill, a councillor on the Town Council, presented the brief together with Kevin Heffernan, also a councillor. The brief was read. The Town of St. Phillips was concerned that another form of government would only further complicate a presently complicated system. They do not want another level of taxation. The Town sees a need to replace Metro Board. It seeks to take over the Old Broad Cove Road / Witch Hazel Road / Oliver's Pond areas and the King's Road / Bennett's Road / Thorburn Road areas out to the Parish Hall. All other areas now under the jurisdiction of the St. John's Metropolitan Area Board should be turned over to neighbouring municipalities.

The Town of St. Phillips recognized a need for certain services of a regional nature, such as water and sewer trunk mains, solid waste disposal, fire protection, public transportation and planning, to be handled separately. It proposed that these could be provided by a section of the Department of Municipal Affairs or by an authority established and funded through Municipal Affairs with a strictly administrative staff. The cost of operation could be offset by a fee for service or a fee on a per capita basis for services provided. There would no be authority to raise revenue through taxation.

In discussion, the Town of St. Phillips indicated that a regional authority consisting of more than 9 people would be difficult. The Town is interested in preserving its rural nature and was concerned that participation in a regional authority might mean that someone would try to push it into providing water and sewer. The Town is also concerned about losing its autonomy. They did recognize that regional services needed to be managed by one body. The Town of St. Phillips also preferred that watershed protection be taken care of by somebody else. In their proposal, the Town of St. Phillips saw this body as being an arm of government.

The Town of St. Phillips indicated an interest in acquiring Hogan's Pond as the Town of St. Phillips presently encircles it.

The Town of St. Phillips is presently on a poll tax because it hasn't been able to get the property assessments done. The tax assessment was requested in 1981 but other towns have taken priority. This disentitles the Town of St. Phillips to a tax incentive grant.

A brief was then presented by the Town of Logy Bay - Middle Cove - Outer Cove. The Town's primary recommendation was that the St. John's Metropolitan Area Board be disbanded or die a natural death and its responsibilities be assumed by various government departments and/or existing municipalities. The Town indicated concern that there might be overlapping responsibility between existing various government departments and a new authority which might take over water reservoirs, trunk sewers, waste disposal sites and perhaps policing, ambulance service and fire protection. The Town was also concerned that once the regional authority was created, it would acquire ever increasing responsibilities at extra cost.

With respect to agricultural lands, the Town of Logy Bay - Middle Cove - Outer Cove indicated that it is presently negotiating with the Department of Rural, Agricultural and Northern Development to have some lands deleted from the agricultural zone. It does not see that a regional authority should be responsible for agricultural land as the Department is, in its opinion, doing a satisfactory job.

The Town also raised the question whether present government departments and existing towns could adequately service the remaining areas of the St. John's Metropolitan Area Board. It also wondered whether the City of St. John's could control the Windsor Lake reservoir and the Town of Mount Pearl or the Town of Goulds control Bay Bulls Big Pond. It proposed that trunk sewers could be maintained and controlled by the Department of Municipal Affairs. Waste disposal sites could be a collective responsibility of existing municipalities. The Department of Justice was considered to be doing an adequate job on policing and fire protection. Two additional concerns were increased taxes and effective representation on any regional authority.

There was considerable discussion of possible optional services of which the Town of Logy Bay - Middle Cove - Outer Cove could avail. However, as the Town had not really considered these alternatives and had looked to the hearings in light of the option paper previously sent to it by the Department of Municipal Affairs, the town representative indicated that he could not really answer any of the questions on behalf of the Town without discussing the matter at a Town meeting.

In the evening of May 25, 1987, a brief was submitted by the Elizabeth Park - Evergreen Village Citizens' Committee. The presentation was made by Mr. Gerry Hull, Secretary of the Committee. Also present were Mr. John Callaghan and Mr. Mel Inkpen. The latter is President of the Citizens' Committee. Mr. Callaghan read the brief. The area is currently under the jurisdiction of the St. John's Metropolitan Area Board with which they have been reasonably satisfied. The Committee feels that if Metro Board is changed from its present form, it should be replaced by a regional council with elected representatives from all the municipalities in the region. It should not have the power of direct taxation of the residents. Services should be provided on a fee for service basis.

In the discussion which followed, considerable concern was raised about a gravel pit operating near the area which creates a great deal of noise and has caused problems with respect to blasting. It appeared that the Citizens' Committee had conducted a poll with respect to its future. Its first preference was to stay with St. John's Metropolitan Area Board. In the alternative, the majority preferred to join the Town of Paradise. They were, at that time, negotiating with the Town of Paradise to see what kind of representation they might get. The Citizens' Committee was hoping that the regional council would take over things such as quarries and land use so that various government departments could be coordinated in dealing with such issues.

A brief was then submitted on behalf of the Oliver's Pond Road Citizens' Committee by Mr. Stephen Andrews and Mr. Harold Hayward. It appeared that most of the residents were happy with the current administration by the St. John's Metropolitan Area Board but would prefer some elected representation. A major concern was the preservation of the 4.6 acre lot requirement. The area is on the fringe of the watershed. The Committee felt that fire protection should be regional in order to obtain the maximum benefit for the residents of all communities. It preferred to stay with the St. John's Metropolitan Area Board. It considered Hogan's Pond, an area similar to its own, as an alternative. In the brief submitted, the Citizens' Committee indicated it was not interested in the Town of St. Phillips. Much discussion ensued including discussions between representatives of the Town of St. Phillips and the Oliver's Pond Citizens' Committee which seemed to answer some of the concerns of the Committee. However, in the final analysis, the major concern was the preservation of the current lot designation.

Subsequent to the Hearings, Mr. Stephen Andrews of the Citizens' Committee indicated to the Commission that they had had discussions with the Town of St. Phillips and were no longer as opposed to that alternative as they had been previously.

May 27, 1987 Foran Room, City Hall, St. John's

A public hearing was held at the Foran Room at the City of St. John's on May 27, 1987. The first brief was presented by the St. John's Metropolitan Area Board. The brief was presented by Mr. John O'Dea, Chairman of the Board, with assistance from Nancy Caines, Town Clerk, Paul Mackey, Town Engineer, and Stephen Jewczyk, Town Planner. The brief starts with a history of the St. John's Metropolitan Area and the St. John's Metropolitan Area Board and a detailed description of the functions of the St. John's Metropolitan Area Board today. The Board also evaluates the options for the future. A summary of its recommendations is contained in the brief.

Essentially, the proposal made by the St. John's Metropolitan Area Board is to expand the present mandate of the Board to that of a regional authority comprised of appointed and elected representatives vested with regional administration, regional planning and regional servicing. The existing responsibilities and powers of the St. John's Metropolitan Area Board should be transferred to the regional authority. They would have to be expanded to cover the region and would include the regional water supply system, joint planning, development control and administration of the otherwise unorganized areas. At the same time, the regional authority would be vested with responsibility for regional sewage disposal systems, regional storm drainage systems, regional solid waste disposal, enforcement of regional regulations, regional planning, local area planning and the provision of municipal and technical services by agreement. At a future date, consideration would be given to vesting the responsibilities for regional animal control, regional fire protection and regional assessment in the regional authority.

Funding would be based upon a regional incentive grant, capital project grants pursuant to *The Municipal Grants Act,* the charging of service fees by the regional authority to user municipalities and the entering into of service agreements between the regional authority and user municipalities with respect to optional services. In addition, municipal statutory grants with respect to areas for which the regional authority would provide local government administration and services and special provincial grants to pay the costs of provincial functions of services undertaken by the regional authority would be expected.

The St. John's Metropolitan Area Board recommends that the name of the region would be the Northeast Avalon Region and that the boundaries would coincide with the present St. John's Urban Region regional planning area gazetted on November 15, 1985. The regional authority would consist of fourteen members, including an appointed chairman and three representatives of the provincial government appointed for five year terms. Representatives of municipalities would be chosen from existing municipal councils. Their term would coincide with the regular term of office of a municipal councillor. It was recommended that representation be as follows: five members from the City of St. John's representing the City and the Town of Wedgewood Park, one member from the Town of Mount Pearl, one member from the Towns of Conception Bay South and Holyrood, one member representing the Town of Goulds, Petty Harbour - Maddox Cove, Bay Bulls, and Witless Bay and one member representing the Towns of Portugal Cove, St. Phillips, Hogan's Pond, St. Thomas and Paradise as well as one member representing the Towns of Pouch Cove, Flatrock, Torbay and Logy Bay - Middle Cove - Outer Cove.

The St. John's Metropolitan Area Board had a number of recommendations with respect to boundary changes which should accompany the creation of the regional authority. It was recommended that the Cape St. Francis area be included within the municipal boundary of the Town of Pouch Cove. It was recommended that the Bauline Line, Indian Meal Line and Windsor Heights areas adjacent to the Town of Portugal Cove should be included within the boundary of the Town of Portugal Cove. The Windsor Lake - Broad Cove River watershed should fall under the full municipal jurisdiction of the City of St. John's and a feasibility study should be undertaken to determine which municipality or municipalities should have jurisdiction over the Old Broad Cove Road / Witch Hazel Road / Oliver's Pond area. The Donna Road East area would come under the jurisdiction of the Town of Paradise. A feasibility study would be undertaken to determine which municipality should have jurisdiction over the Elizabeth Park - Evergreen Village area and a further feasibility study should be undertaken to determine which municipality should have jurisdiction over the Topsail Pond - Three Island Pond / Octagon Pond area.

It was recommended that the Commonwealth Avenue East area should be included within the municipal jurisdiction of the Town of Mount Pearl and that the Petty Harbour Road area should be included within the Town of Petty Harbour - Maddox Cove. The Southern Shore Highway area north of the Bay Bulls Big Pond protective watershed should be included within the Town of Goulds and the remaining lands of the St. John's Metropolitan area, which would not be part of an incorporated municipality, would come under the jurisdiction of the regional authority and, where necessary, local service districts should be established to provide local services to populated areas.

In the discussion which followed the presentation of the brief, emphasis was placed upon the proposed composition of the regional authority and the numbers involved in the Metro Board proposal. In addition, there was discussion of the details of funding for municipal solid waste disposal sites, the regional water supply at Bay Bulls Big Pond and the issues surrounding resource lands. It was proposed by the St. John's Metropolitan Area Board to keep resource lands such as agricultural lands and watersheds out of the municipalities as far as reasonably possible. Under the Board's proposal, approximately 200 to 400 people would be directly under the control of the regional authority. This would include the people in Blackhead, people in the watershed, some residents of the Southern Shore Highway and people on the Witless Bay Line.

In the discussion on watersheds, the St. John's Metropolitan Area Board acknowledged that its proposal that the Windsor Lake Broad-Cove River watershed area would fall under the full municipal jurisdiction of the City of St. John's, was contrary to its general recommendation that watersheds should be protected and should be under the control of the regional authority. The present situation is that the St. John's Metropolitan Area Board has municipal jurisdiction and the City of St. John's has some building control and land use control pursuant to *The City of St. John's Act*. The reason for the inclusion of this area within the City of St. John's is the number of residential units, namely, approximately 150, that are within the area.

Metro Board also recommended that Bell Island be excluded from the region.

Mayor John Murphy then presented the brief submitted by the City of St. John's. The City recognized a need for a revised mandate for the St. John's Metropolitan Area Board but it did not see its replacement as a "regional government" in the context of *The Munici-*

palities Act. The City of St. John's perceived that the future role of a revised board would be to provide regional services where there is a legitimate requirement to do so and where it could be demonstrated that such services would be economically feasible for all taxpayers of the region. All funding should be on the basis of user pay. The City's position was that the only legitimate regional service at present which has a recognized economical feasibility is the Bay Bulls Big Pond water supply. Other regional services could be added as responsibilities where there was a demonstrated need to do so.

The City accepts the present boundaries of the St. John's Urban Region including Bell Island. It also accepts the need for "regional cooperation, coordination and administration in matters of a regional nature". The main concern of the City with the concept of regional government is that the taxpayers of the City would be burdened with a disproportionate share of the cost of administration and provision of services to the region while at the same time benefiting little from such services. Again, concern was expressed that taxes would have to be increased with the imposition of regional government.

The City submitted that the Bay Bulls Big Pond water supply system was the only truly regional service that was economically feasible to be provided by a regional authority. It considers the Windsor Lake system to be local at the present time. It does not consider that regional sewage disposal is a regional matter at the present time and does not foresee that it would be until such time as a major treatment facility was necessary. Regional storm drainage is presently taken care of by the Department of Municipal Affairs and the Robin Hood Bay Sanitary Land Fill is a regional facility operated by the City of St. John's on a cost recovery basis. The City does not believe that this facility could be operated cost-effectively by the regional authority. The City views police protection as provincial and feels that it is highly unlikely that ambulance service and animal and dog control could be provided on a regional basis in this region.

The City of St. John's considered that the operation of a regional fire protection service was an interesting possibility as the present service places a heavy financial burden on the City. The City presently has no information on how the costs of the system are calculated and no input into the operation of the service. The City recommended that the Commission undertake an independent assessment of the St. John's Fire Department to determine its feasibility as a regional service.

It was felt that regional recreation services would erode community involvement and destroy recreational programs and that there was no demand for public transit outside of the City of St. John's. The City views regional planning as a function of the Department of Municipal Affairs. Local area planning and joint planning were not seen as regional responsibilities nor was development control. It was submitted that private enterprise could provide contractual support services as cost-effectively as a regional authority could.

With respect to boundaries, the City proposed that Metro Board should have no exclusive territorial responsibilities other than the wilderness area. It also proposed that the City's boundaries be expanded to take in the existing watersheds in the Windsor Lake area and the Broad Cove River area to eliminate dual jurisdiction.

The revised St. John's Metropolitan Area Board would have no powers of taxation and would be funded on a cost recovery basis. It should also be eligible for grants. It would have

no need to maintain a staff for planning, development control or building inspection. The Board would be composed of councillors appointed from town councils within the region.

In the discussion which followed, representatives of the City confirmed that the Windsor Lake water supply services only the city of St. John's and Wedgewood Park. Substantial capital works would be required to enable the transfer of water between the Windsor Lake water supply and the Bay Bulls Big Pond Water supply. Mayor Murphy suggested that Bay Bulls Big Pond could also be operated more cost-efficiently by the City. There were concerns about the method by which the provincial government determined the municipalities' share of the fire department expense. The City could see no need for the regional authority to handle the necessary expansions to the trunk sewer lines. All problems respecting the trunk sewer lines could be dealt with by bilateral agreements between municipalities.

There was a discussion of the Robin Hood Bay waste disposal site and the costs of operating it.

There was a discussion of the composition of any board that would replace the St. John's Metropolitan Area Board. Mayor Murphy considered that this would be a complete waste of money. Cost effectiveness and the threat of additional taxes appear to be the main concerns of the City. The St. John's Board of Trade then presented its brief which fully supports the concept of a revised Metropolitan Area Board for the St. John's region which would be in the form of a regional government.

The St. John's Board of Trade recommended that this regional authority be responsible for the provision of regional services such as trunk water supply and watershed protection, trunk sewage disposal and treatment; solid waste disposal; snow clearing and maintenance of roads outside municipal boundaries other than provincial roads; public transit; fire protection and other emergency services determined as feasible; overall planning for the region including, where possible, industrial areas; the provision of basic municipal planning and engineering all on a fee for service basis.

Funding for this revised St. John's Metropolitan Area Board or regional authority would come from basic municipal service charges based upon a combination of population, property value, geographic size and/or economic activity; fees for water, sewer, solid waste, snow clearing and engineering services and a regional incentives grant as provided under *The Municipalities Act.*

Based upon this proposal, it was considered that there would be no need for increased levels of taxation. The board would be comprised of eight elected representatives, i.e. elected councillors nominated from their municipal councils and a fulltime voting chairman appointed by the Province. St. John's would have three representatives, Mount Pearl would have one and the remaining municipal areas would be grouped into four sub-regions having one representative each. A mechanism was recommended to facilitate input by the public into the operations of policies of the new regional authority.

Fraser Edison, who presented the brief on behalf on the St. John's Board of Trade, then discussed certain elements with the Commission. The Board of Trade had proposed that industrial parks and industrial development be coordinated by the regional authority. The Board of Trade was of the view that the municipality in which the industrial park was located

should be the principal recipient of any tax revenues. There appeared to be some support for the proposition that if the regional authority was involved in the development of industrial parks, then it should have some form of return in the way of revenues from them in the future. This had not been considered in any detail by the Board of Trade prior to the hearing.

The Board of Trade felt that a regional authority could be more cost effective than the City of St. John's for the provision of regional services in some instances.

At the evening session, a letter was submitted to the Commission from the Kilbride Citizens' Committee which represents the small section of Kilbride that is mostly agricultural and still under the St. John's Metropolitan Area Board. Mr. John MacDonald and Mr. Frank Stanley represented the Kilbride Citizens' Committee. They felt it was necessary to have a regional authority to control agricultural land and unincorporated areas and to manage inter-municipal services such as water supply, sewage disposal and storm drainage. Their main objection to the St. John's Metropolitan Area Board is that it is an appointed body with no elected members representing the unincorporated areas. The Kilbride Citizens' Committee felt it was necessary to have a combination of elected and appointed members.

There was a lengthy discussion of the problems facing the agricultural community in the Kilbride area. Farmers in the area are concerned with encroaching development in agricultural areas and on the fringes of their farms. They were very concerned that the designation of agricultural land be preserved. The Committee felt that it would continue to be necessary for the provincial agricultural department to control the agricultural land regardless of who had municipal jurisdiction. However, they perceived that it would be necessary to have a regional authority simply to maintain and handle the costs of existing trunk sewers servicing many municipalities as well as regional water supply.

The Committee's main concern was elected representation and the keeping of agricultural land out of municipalities. That being the case, they believe there ought to be agricultural representatives on the revised Metro Board. However, the main concern was getting representation for the agricultural interest and if that could be achieved, the Citizens' Committee didn't really mind whether that representation be elected, but they would rather have it elected.

There was great concern about being annexed to the Town of Goulds which imposes a high business tax on farmers.

The other concern was a buffer zone between agricultural and residential land. Mr. MacDonald recommended that he would want at least 250 feet between housing and farming.

Mr. Stanley was inclined to think that a local service district might be a compromise for the people in the area in order to enable them to preserve the agricultural land and yet have a say in the way they are governed. Mr. MacDonald also acknowledged that in a municipality, farmers would be a minority and therefore would never be in a position to elect anyone. The local service district idea was therefore attractive to them.

June 2, 1987 Community Centre, Town of Holyrood

The Commission held a hearing in the Town of Holyrood on June 2. 1987. A brief was submitted by the Town of Holyrood and presented by Deputy Mayor George Flaherty who read the brief.

The Town of Holyrood agrees that regional government can provide beneficial and cost efficient services to certain geographic regions. It believes that its implementation must be limited to municipalities with common interests. It does not believe that the Town of Holyrood ought to be in the St. John's Urban Region as it does not believe that regional government could provide an efficient service to residents of Holyrood at an affordable price. It maintained that its historical, cultural and social roots were closely entertwined with the region of Conception Bay Central.

The Town of Holyrood recognized that water supply, sewage disposal and garbage disposal sites were potential regional services. Regional fire protection could be a regional service but would be of no benefit to the Town of Holyrood unless it was located closer to them. The Town is presently serviced by a volunteer fire department with a short response time. It also discussed animal control and ambulance services but concluded that none of the services identified as regional would be of interest to the Town of Holyrood.

Again, there was a concern that a regional government would impose another tier of government and another level of taxation.

The major focus of the Town of Holyrood was its belief that the Town should be deleted from the region.

It appeared from the discussion which followed that the Town of Holyrood believes that it is only within the region because of its large watershed area which is presently designated a protected watershed. The Town has its own sewage treatment plant and its own water supply from artesian wells. It is not presently assessed to contribute to the St. John's Fire Department because it has its own volunteer service. There is a local private ambulance service.

In dealing with the possible structure of a regional authority which encompasses Holyrood, the Town was concerned that if it was grouped with Conception Bay South with respect to representation, it would effectively have no representation.

A verbal presentation was then made by Mr. Mike Tubrett with respect to watersheds in the region. Mr. Tubrett was concerned that the regional authority would intervene in municipal affairs. With respect to the composition of a proposed regional body, Mr. Tubrett regarded the appointment of an elected councillor as a representative on the regional authority as an acceptable compromise.

Mr. Raymond Tubrett then commented to the Commission that the local residents were somewhat unprepared for the meeting as they had only found out that evening that it was taking place. They felt that government had put the cart before the horse by not putting out a proposal for comment.

Mr. Tubrett was also concerned with the multiplicity of municipal services between towns and communities in the area. He submitted that the logical solution of the problem was to amalgamate Holyrood, Harbour Main, Avondale, Conception Harbour and Colliers into one municipality.

Mr. Jim Hickey, the Mayor of the Town of Holyrood, then spoke. He was concerned that the Town of Holyrood would have very little representation on a regional authority. He was also concerned that the regional authority would find a way to impose some form of taxation on residents of the area.

Mr. Frank Bennett then spoke and reiterated the feeling that the Town of Holyrood should not be in the region.

June 4, 1987 Community Centre, Town of Witless Bay.

A substantial brief was submitted by the Town of Conception Bay South and presented by its Town Manager, Mr. Warren. The Town of Conception Bay South favours a reduced role for the St. John's Metropolitan Area Board in keeping with the provision of services on a fee for service basis. It would essentially become a regional council consisting of nine representatives: three from the City of St. John's and Wedgewood Park; two from Mount Pearl; two from the Town of Conception Bay South and Holyrood; and one each from the combined communities of the Goulds, Petty Harbour-Maddox Cove, Bay Bulls and Witless Bay and Portugal Cove / St. Phillips / Hogan's Pond / St. Thomas and Paradise. It was later noted that the Town Council had inadvertently omitted to add a representative from Torbay, Pouch Cove, Flatrock, Portugal Cove and Logy Bay-Middle Cove-Outer Cove. Regional councillors would be appointed from elected councillors of existing municipalities and a mayor elected from their number.

It was proposed that lands presently within the St. John's Metropolitan Area be reallocated to existing municipalities to attain coterminous municipal boundaries.

The regional authority would acquire, retain and maintain easements with respect to trunk sewers and water lines together with all property and structures related thereto. It would be required to give prior approval to development within a municipality relating to regional assets or affecting watersheds. The regional authority would provide mandatory services including regional water supply systems, regional trunk sewer systems, regional storm drainage, regional solid waste disposal and the enforcement of regional regulations. It would provide optional services such as fire protection, animal control, planning, regulation control and building inspection. It might also provide site health inspection and electrical and building inspections on a fee for service basis. The Town of Conception Bay South proposed to expand its southern boundaries to meet the existing Paradise town boundary and follow it to the Trans-Canada Highway which would include annexation of the Topsail-Three Island Pond area and approximately half of the proposed Octagon Pond Industrial Park. In addition, the Town suggested that if boundaries were to become coterminous then it ought to expand to the Trans-Canada Highway in the areas between Paradise and Holyrood.

On questioning, Mr. Warren acknowledged that an additional representative from the Torbay area would make ten. He considered the appointment of a chairman as an eleventh board member. Reaction to that suggestion was mixed.

In clarifying its position on watersheds, the town Manager of the Town of Conception Bay South indicated that water supplies should be regionally controlled regardless of which municipality they are in. Watersheds would also be under the control of the regional authority.

The Town of Conception Bay South asked the Commission to consider the Seal Cove River watershed area as a potential source of regional water. That issue will be addressed later in the report.

The Town of Conception Bay South is interested in developing its port in the Long Pond area. It is also interested in acquiring a share of the Octagon Pond Industrial Park. It perceives that since Paradise already has half of that Park, then Conception Bay South could have the other part.

It became clear that certain sections of the area between Paradise and Holyrood were not of any particular interest to the Town of Conception Bay South unless all lands presently under the St. John's Metropolitan Area Board were to be distributed. Their primary concern was with Topsail Pond-Three Island Pond, the Octagon Pond Industrial Park, the portion of the Foxtrap Access Road which is outside their boundaries but is somewhat developed and the Paddy's Pond area. In addition, the Town wanted the Seal Cove River watershed designated a protected watershed. The regional authority would have ultimate responsibility for watersheds.

The Town indicated that it was negotiating with the Department of Rural, Agricultural and Northern Development with respect to agricultural land.

It also indicated that it has had difficulty obtaining field inspections from the Department of Health and to a lesser degree, by the Department of Agriculture and Crown Lands.

On the industrial park issue, Mr. Warren indicated that the Town's present concept was to share the Octagon Pond Industrial Park by dividing it in half. However, he conceded that another possibility was to share the entirety of the industrial park with the Town of Paradise. The Town Council had not, however, discussed that possibility.

The Town of Witless Bay then presented its brief to the Commission. The brief presented by the Town of Witless Bay indicated that the Town considered a regional council totally unnecessary. It was concerned that it would be another form of bureaucracy and another drain on the taxpayers of the Town who could ill afford an increase in taxes. Lack of representation on the body was a major concern. On the other hand, the Town of Witless Bay recognized a need for development and control of water supply systems, solid waste disposal sites, treatment plants and storm drainage systems. In their opinion, that activity could be controlled by the larger municipalities or by the province directly. The brief was presented by Councillor Cyril Yard and Councillor Thomas Carey.

In discussion, the representatives of the Town of Witless Bay indicated that they could avail of certain soft services on a fee for service basis such as building inspections and planning. The department of Municipal Affairs presently provides planning control assessment and other support services. It was clear that at the present time the Town of Witless Bay doesn't need regional water and sewer, and storm drainage. In their view, a regional body could not give them any hard services in the very near future. This is a question of geography.

The Town of Witless Bay indicated that it would rely on water in the back lands (which is within the Pierre's Brook watershed area) at such time as it required its own water supply.

The Bay Bulls dump is presently paid on a user pay per capita basis. The incinerator in that solid waste disposal site is now a problem. These two towns are presently looking for volunteer fire services and financing of the equipment from government.

Mr. Yard also asked the Commission to consider dropping Witless Bay and Bay Bulls from the region because they are so unlikely to avail of hard services from the region.

With respect to boundaries, the Town of Witless Bay wished to extend its boundaries to include the area of the Witless Bay Line and the watersheds in the area.

The Town of Bay Bulls did not submit a written brief but was represented by Mr. Bud O'Brien who made an oral submission to the Commission. He gave a history of the Town of Bay Bulls. He indicated that the Town of Bay Bulls was not going to "be railroaded into any form of government other than what we presently have."

He admitted that the waste disposal site at the Town of Bay Bulls was one of its biggest headaches. A committee is now being put in place to assist the various municipalities who use the waste disposal site to cope with the problem.

A familiar theme developed. The Town of Bay Bulls was concerned that a regional authority would take away some of its role. The Town of Bay Bulls feels that it should have more control over what it has. It was concerned that if it became part of a regional government, it would be told what services to provide. The Town Council of Bay Bulls does not feel that it properly belongs within the region.

A submission was then made by the Windsor Heights and Area Citizens' Committee. The written brief supported that the St. John's Metropolitan Area Board be set up as a regional service authority having responsibilities in incorporated and unincorporated areas from Holyrood to Cape St. Francis down to and including Witless Bay. Where it is feasible, all unincorporated areas would be annexed to their closest municipality. The Windsor Heights and Area Citizens' Committee proposed that they could easily be annexed or included with the Town of Portugal Cove. They were concerned that in joining a neighbouring municipality, they not be burdened with a heavy tax structure. The Committee also recommeded that the areas of Elizabeth park - Evergreen Village and the Topsail Pond - Three Island Pond areas be annexed to the Town of Paradise. In general, the Committee was in complete agreement with the recommendation set forth in the brief presented by the St. John's Metroplitan Area Board on May 27, 1987.

Mr. Jim Gladney, Chairman of the Windsor Heights and Area Citizens' Committee proposed that the regional authority be comprised of appointees as well as elected representatives. The Department of Municipal Affairs could appoint a chairman with three representatives from the City of St. John's and Mount Pearl. Four representatives would then be elected from districts comprised of the remaining towns and communities on a ward basis. The board should consist of no more than eight members.

In discussion, Mr. Gladney noted that if they were to join the Town of Portugal Cove, then the residents of the Windsor Heights area, who could only avail of "soft" services, should not be expected to bear the burden of those trying to get water and sewage. The Committee was opposed to being annexed to the City of St. John's if they were to be taxed at the current eleven mill rate imposed by the city.

A brief was then submitted by the Town Council of St. Thomas and presented by Clyde Stapleton and Deputy Mayor Richard Nowotczynski. The Town of St. Thomas favoured the disestablishment of the St John's Metropolitan Area Board and the distribution of its lands to existing municipalities. The Town of St. Thomas sees an enlarged role for the Department of Municipal Affairs which would help develop regional services such as water and sewer extensions, provide greater engineering services and regional garbage disposal for the area on a user pay basis or on a per capita basis in the same way that fire protection is presently provided. The Town of St. Thomas feels that it is now over-governed and under-served by the two elected levels being provincial and federal and does not favour another layer of taxation.

It is also concerned that it would have no real voice in a regional government and therefore opposes the establishment of any new form of government.

In discussions outside of the brief, the Town of St. Thomas was yet another municipality which was concerned that the regional authority might be a level of government which would interfere with its communication with the Department of Municipal Affairs. A key fear is that if a newly elected government or body was appointed, a sewage treatment plant might be located in the Town of St. Thomas or the regional authority might want to put a trunk line down through the Town of St. Thomas and force the Town to connect to the services and pay for them.

They did acknowledge that there were some services that they need and would be willing to use on a user-pay basis but they would rather purchase those services from Municipal Affairs than from a regional authority. They feel a regional authority would be more expensive.

The Town presently uses the Conception Bay South dump site. The Town of St. Thomas is not interested in amalgamation. It wishes to maintain its own identity.

Mr. Gerard Healey, a citizen of Witless Bay, then submitted a letter to the Commission on his own behalf.

That concluded the public hearings.

An additional submission was made in writing by Robert Stacey. He requested that the Commission consider rezoning the property to the north and east of Fowler's Road and the Arterial Road Extension in theThree Island Pond area to residential or to the same status as Topsail Pond. His main concern was the agricultural designation of his land.

A written brief was also submitted by Clarence Button, a resident of the Oliver's Pond area, who wished that area to be annexed to the Town of St. Phillips. He also recommended that the Town of Hogan's Pond be amalgamated with the Town of St. Phillips. He favored amalgamation of small municipalities and a regional development authority.

Meetings were held with farmers in the Goulds - Kilbride area and a separate meeting was held with farmers from the Torbay area in June, 1987. The main subjects of discussion were the preservation of agricultural land and the problems of taxation and lack of consistent treatment of agricultural land by various municipalities within the region. These matters will be dealt with later in the report under the heading of "Agricultural Lands".

ALTERNATIVE APPROACHES AND OPTIONS TO THE PROPOSAL
(Section 9(d) Municipalities Feasibility Report Regulations 1980.)

It is obvious to the Commission that municipal councils and others have examined the future role of the St. John's Metropolitan Area Board generally in relation to the options identified in the Discussion Paper, "St. John's Urban Region Regional Council" prepared by the Department of Municipal Affairs. This docuent provides useful background information and analysis of the board's options. Unfortunately it focused the attention of some municipal councils, notably those from smaller municipalities and the City of St. John's, on "regional government".

The future options regarding a revised mandate for the St. John's Metropolitan Area Board can be identified as follows:

disestablishment of the Board and not replace it;

continuation of the Board as at present or in a revisedform; or

disestablishment of the Board and its replacement by a Regional Council or Authority.

Disestablishment of the Board and Not Replace it in Any Form

This option is favoured by some smaller municipalities, notably recently incorporated ones. Those municipalities are concerned with issues such as local autonomy, increased costs, extra taxation, bureaucracy and red tape, and apprehension about "regional government". In discussion with the Commission most municipalities in this category recognized the need for regional servicing, however, most insisted that such could be provided by the Municipal Affairs Department, or a provincial board. Others suggested municipal committees.

In the opinion of the Commission, the larger municipalities and others who disagreed with this option, many of the problems affecting municipalities would persist and much needed coordination and integration would not be possible. As well more provincial involvement in local and regional affairs would result which would weaken rather than strengthen municipal government in the region.

This option does nothing to improve or make regional services more available, and ignores practical problems related to funding and coordination of such services and development control and local government in unorganized areas. The Commission sees a continuing need for some form of regional authority and thus cannot support this option.

Continuation of the Board as at Present, or in a Revised Form

The Town of Goulds supports the retention of the St. John's Metropolitan Area Board. This is also the preference of the citizens' committees of Oliver's Pond and Topsail Pond - Three Island Pond, although they have concerns about the adequacy of local representation.

Continuation of Metro Board in its present form and with the same mandate and responsibilities is untenable. Inadequate municipal representation and the method of the Board's appointment would continue to be critized and with cause. Its financial situation would also continue to deteriorate.

In its presentation to the Commission, the City of St. John's maintains that the incorporation of small municipalities and the expansion of other municipalities in the St. John's Urban Region has made it impractical and impossible for Metro Board to continue to function as a municipality in the ordinary sense of the term. In their opinion Metro Board can continue to exist with a mandate to provide regional services where there is a legitimate requirement to do so and where it can be demonstrated that such services are economically feasible for all taxpayers of the region. Furthermore, they insist that any move in this direction be based upon the principles of equity, and the concept of user-pay and be confined at the moment to the Bay Bulls - Big Pond Water Supply. In the City's opinion, with the exception of the wilderness areas, all unincorporated areas should be annexed to existing municipalities. Thus, the Metro Board would not have a local government role, or in the City's view a need to be involved in planning or development control. In summary, the City of St. John's sees the revised Metro Board as a regional servicing authority whose present jurisdiction should be limited to administering the Bay Bulls Big Pond Water Supply. The Board would be reestablished under an amended *St. John's (Metropolitan Area) Act* as an appointed body but its membership should be restricted to councillors elected in their own municipalities and reflect on equitable representation of those municipalities which will be more affected by its operations.

The Commission agrees with many of the views expressed by the City of St. John's. However, it is not convinced that the Authority's mandate should be restricted to regional servicing only or that it ought to continue under *The St. John's (Metropolitan Area) Act.* On the contrary we see a regional authority established under *The Municipalities Act,* with a broader mandate. In addition to a well-defined regional servicing role, we see an authority involved in a limited but essential local government role and regional planning and development control in the unorganized areas.

Disestablishment of the Board and its Replacement by a Regional Council

The Commission gave careful consideration to this option, and in a narrower context, to the Board as a rural resource agency. In our view the regional body will be involved in resource issues such as watersheds and agriculture, although not exclusively nor to the extent which would see all resource lands under its control. It is not practical to remove all resource lands from municipal control. Neither is it practical to have all lands excepting wilderness areas included in local municipalities. Certain unorganized areas will have to remain in the region, with local government services, planning and development control under the jurisdiction of the regional body.

Disestablishing the St. John's Metropolitan Area Board and replacing it by a regional council in accordance with the provisions of *The Municipalities Act* is very similar to the proposal recommended by the Commission. There are, however, some important differences, especially with the composition of the decision-making body and the degree of integration with the municipalities and the Province.

A regional council under *The Municipalities Act* may have, as designated by the Lieutenant-Governor in Council, a combination of councillors elected at large and those appointed from elected councils in the region. The chairman is elected by the members of the council from amongst their numbers. While that arrangement is basically sound, under some circumstances it has some potential flaws, particularly as it relates to the St. John's Urban Region and its present needs.

There is a broad consensus that what is needed in this region is a regional servicing body. To be effective, the body would have to be closely integrated with the municipalities and importantly, especially for the funding of capital projects, linked to the Province. In addition to its primary role, the regional body would provide local government services, planning and development control in the unorganized areas.

With some members of the regional council elected at large and some indirectly through the municipal councils, their interests could conflict and prevent a close integration with the municipalities. The chairman also could be in conflict with his municipal and regional responsibilities. Certainly he would not seem to have the independence necessary to carry out his duties in representing the region at large and the unorganized areas. In fact, in a regional council, with councillors elected either at large or indirectly, and the chairman with a potentially conflicting mandate, the interests of the unorganized areas are not effectively protected.

The Commission is convinced that while the regional council concept under the provisions of *The Municipalities Act* is sound, the regional authority concept under the same legislation is more appropriate for the region.

Chapter II

THE NORTHEAST AVALON REGIONAL AUTHORITY

THE REGIONAL AUTHORITY

During the public hearings it became evident to the Commission that some municipal councils had considerable knowledge of the subject under review and a full appreciation of the purpose of the feasibility study. On the other hand, some councils, by design or otherwise, addressed the matter almost solely from a local perspective. A minority of councils seemed to have misconceptions about the provisions of *The Municipalities Act* in respect to regional councils and of their relationship to local municipal councils. Those same councils seemed to harbour unwarranted fears about "regional government" and its impact on local municipalities. Those concerns centered around community identity, autonomy, access to provincial government departments, and the establishment of another layer of government complete with "red tape" and taxing powers. Most municipal councils expressed the view that while the St. John's Metropolitan Area Board had done a good job over the years, the composition of its appointed board was not representative of the region. As well there was general recognition of the regional role performed by the Metro Board and that regional services would continue to be required. The following divergent views were expressed about how these services would be best provided. These included:

1. The establishment of a Regional Council;
2. The establishment of a Regional Authority;
3. The establishment of a Special Committee; and
4. The retention of the St. John's Metropolitan Area Board in its present form.

Others favoured the retention of the Board with a revised mandate and a more representative membership. A few of the smaller councils urged that the functions be taken over directly by the Province through a government department or special board.

Other concerns were expressed even by those strongly in favour of a regional approach and the establishment of a regional body. The Commission was urged to ensure that the regional body would not become too costly and bureaucratic; that its powers be limited and its responsibilities confined, especially in regional servicing, to functions which it could undertake in a cost-efficient manner.

The composition of the body and the need for adequate municipal representation and regional balance were matters of particular concern. As well, the provision of local government services and resource issues, especially agriculture, were matters of considerable importance to the Commission and to participants at the public hearings.

The views put forward in the briefs to the Commission, and those expressed during the public hearings, have led the Commission to certain conclusions. *First,* there is no support for a costly, overly bureaucratic regional body. *Second,* there is no support for a regional body which would have any jurisdiction in the local affairs of municipalities or which would constrain their access to provincial government departments, especially, the Department of Municipal Affairs. *Third,* there is no support for a regional body which would have powers to impose taxes in local municipalities or apply a general assessment throughout the region. The Commission has concluded, however, that there is a general recognition that certain functions are regional in nature and that a regional servicing body, in some form, is necessary. Further, to be effective and acceptable, a regional authority would have to be integrated with the existing municipal councils in the region.

The Commission has carefully considered the evidence, information, proposals and opinions available to it. Varied and sometimes conflicting viewpoints were evaluated on the basis of sound municipal planning for the region. Moreover, fundamental decisions were taken recognizing the present municipal structure in the region and the basic conclusions drawn from the public hearings. The Commission sought information about the structure and performance of regional bodies across Canada. The Regional District system of British Columbia, which has a reasonably good track record over some twenty years, provided a useful model. While the system we propose has some similarities, it is unique to this province and tailored specifically to this region.

Having examined all the evidence, and considered the various proposals and issues, this Commission concurs with the conclusions of the Henley Commission that there is "a need for a central form of government to coordinate and administer certain regional services" ... "that certain problems and functions of an area-wide nature should best be handled by one central authority while other problems and functions of a purely local nature should be more appropriately handled by a local municipal government". A body providing regional planning, coordination and servicing continues to be essential to the proper growth and development of the region and for the provision of local government services and administration in the unincorporated areas.

The need for such a body in the St. John's Urban Region has been supported by many studies and commissions over the years. This Commission is convinced that a regional body is necessary. However, it must be established as the Whelan Commission proposed — "with the intent of complementing existing municipal organizations and of providing a suitably integrated and effective authority at the regional level". Clearly, the St. John's Metropolitan Area Board, under its present mandate and structure does not achieve this nor is it in accordance with the basic conclusions drawn from the public hearings.

It is the Commission's belief that a regional authority established under the provisions of *The Municipalities Act,* with specific designated region-wide powers and control of otherwise unincorporated areas, should replace the St. John's Metropolitan Area Board. This would not be another level of government but rather a service agency managing and providing regional services, contracting to provide management and services to municipalities for a fee; and providing basic services to unincorporated areas of the region.

Evidence presented to the Commission suggests that the St. John's Metropolitan Area Board has largely outlived its local government role and in as far as possible its territory should be annexed to adjoining municipalities. The remaining populated, unincorporated areas should be established as local service areas under the Regional Authority, which would also manage regional resource lands such as agricultural and watersheds.

The Regional Authority in its primary role of regional servicing would be closely integrated with and complementary to the municipal councils in the region. Similarly, in its limited local government role and in its management of resource lands and the funding of regional capital projects, it would work closely with the Province.

Since, in addition to its limited local government role, the Regional Authority would represent both municipal and provincial interests, its composition should reflect that. Further, since the authority would have a very limited independent role, and in large measure would

represent municipal and provincial interests, it would be impractical and inappropriate to have its members directly elected. Rather, the Commission believes that with the exception of the chairman, who would be appointed by the Lieutenant-Governor in Council to represent the Province and the area at large, all other members would be indirectly elected. In other words they would be elected members of individual municipal councils, nominated by their councils and appointed by the Lieutenant-Governor in Council. Their term of office would coincide with their term on their respective councils. The chairman, however, to provide continuity and a degree of independence, would be appointed for five year terms.

The regional body, as envisaged by the Commission, would not be a regional council but, rather, a regional municipal authority. It would not in practice have a separate agenda except in its limited local government role. It would not have powers to impose taxes in existing municipalities, nor to apply a general assessment throughout the region, nor, except through agreement, to become involved in any local matters. The Authority would have very limited involvement with the public and since its members would not be directly elected, they would not have an independent mandate from the electorate.

While it will require some minor amendments to *The Municipalities Act,* Part III, the Commission believes the Regional Authority should be established under the provisions of that legislation. It is imperative, in the Commission's view, that the Authority be given a clear mandate and fresh start. This cannot be accomplished under the *St. John's (Metropolitan Area) Act.* Special legislation would be impractical and inappropriate.

The Municipalities Act, Part III, provides a solid framework, with very clear separation of regional and local municipal responsibilities and powers. It is province-wide legislation, providing appropriate guidelines and provisions. Importantly, in this case, it makes provision for a regional incentive grant, which in the Commission's opinion will be essential to the operation of the Regional Authority.

The Regional Authority would have the same general mandate as the St. John's Metropolitan Area Board. Under the provisions of *The Municipalities Act,* its specific powers and responsibilities would be designated, from time to time, by the Lieutenant-Governor in Council. Since it would be composed largely of municipal representatives and closely integrated with the municipal councils, clearly, it could not undertake major regional servicing functions without municipal support. It may be more practical, in some instances, to have a municipal council handle the operational side of a regional service under the direction and general management of the Regional Authority.

In performing certain functions such as planning and development control in the unorganized areas, the Regional Authority would enforce provincial policy. Likewise in its local government role the Authority would function as a municipality, under *The Municipalities Act,* with the assistance of "Local Service Committees" in specifically designated "Local Service Areas".

Under the provisions of *The Municipalities Act,* the specific powers and responsibilities would be designated, from time to time, by the Lieutenant-Governor in Council. Clearly the Authority would need the support of the municipalities to undertake new functions. While the Authority may be given responsibility for certain region-wide functions, its actual role

in some instances may be limited, particularly at the outset, to planning, coordination or funding. A specific municipality may operate a given facility deemed to be regional under the authority and overall management of the Regional Authority.

The Commission concurs with the views expressed by municipal councils at the public hearings that the Regional Authority should be compact and cost-effective. Its staff should be streamlined and versatile and its overhead kept to a minimum. Functions, while deemed regional in nature, should not be undertaken by the Authority, unless and until they are cost-efficient. Mayor Harvey Hodder expressed it well at the public hearings, when he said that costs and benefits should be very carefully monitored.

The Regional Authority in its primary role of regional servicing would operate on a user-pay cost-recovery basis. Only those municipal councils using specific services would be required to pay for same. The Authority would not have powers to impose taxes in local municipalities or to apply a general assessment throughout the region. It would, however, impose taxes and collect fees in the local service areas and avail of applicable statutory grants, including the regional incentive grant. It should not in the Commission's view require any special provincial government grants.

Having given the matter long and careful consideration the Commission concludes that the St. John's Metropolitan Area Board should be dissolved and replaced by a new regional authority. Ideally the change should take place at the beginning of 1988. However, it may not be practical, in the Commission's opinion, to do that. It is probably unrealistic to expect that decisions can be made and the proposal fully implemented by January 1, 1988. On the other hand, to wait until January 1, 1989, would cause unnecessary delay. In our opinion the overall regional proposal should be implemented as soon as possible. Complications will arise if there is any lag between the implementation of the proposed boundary changes and the creation of the Regional Authority. This primarily affects funding and is dealt with further in Chapter IV. A number of details will have to be worked out and there will be some transition problems. However,we are convinced that it is possible to have the changes made and the new authority in place by April 1, 1988.

RECOMMENDATION 2.1

THEREFORE, IT IS RECOMMENDED THAT *THE ST. JOHN'S (METROPOLITAN AREA) ACT* BE RESCINDED AND THAT A REGIONAL AUTHORITY BE ESTABLISHED UNDER THE PROVISIONS OF *THE MUNICIPALITIES ACT.*

RECOMMENDATION 2.2

IT IS FURTHER RECOMMENDED THAT THE MINISTERIAL ORDER REGARDING THE PROPOSAL BE MADE AS SOON AS POSSIBLE, TO ALLOW FULL IMPLEMENTATION OF THE PROPOSAL TO BECOME EFFECTIVE NOT LATER THAN APRIL 1, 1988.

BOUNDARY AND NAME OF THE REGION

Since the boundaries of the region are addressed more fully in a later chapter in this report, this section is intended to provide an overview. In general, the boundaries of the St. John's Metropolitan Area coincide with those of the St. John's Urban Region Regional Planning Area gazetted on November 15, 1985. The St. John's Urban Region is inclusive of all incorporated and unincorporated areas.

The Town of Holyrood is included in the St. John's Metropolitan Area, but it has always objected to its inclusion in the Region. In its brief to the Commission the Town maintains that it does not have a need to avail of regional services and that in view of its uniqueness and geographic location in the area, it ought to be excluded from the St. John's Urban Region and be allowed to remain in the Conception Bay Central Area. For reasons which are detailed in another chapter of the Report, we are convinced that, for the present, Holyrood should remain in the Region.

The Commission agrees with the submission of the St. John's Metropolitan Area Board that the name, the Northeast Avalon Region, represents the geographical location in which the region is found and does not represent any political entity within the region. Moreover, all authorities and communities within the region are able to identify with the area and the name.

RECOMMENDATION 2.3

IT IS THEREFORE RECOMMENDED THAT, EXCLUDING THE AREA OF BELL ISLAND, THE BOUNDARIES OF THE PROPOSED REGION WOULD COINCIDE WITH THOSE OF THE ST. JOHN'S URBAN REGION AS RECOMMENDED IN CHAPTER VI.

RECOMMENDATION 2.4

IT IS FURTHER RECOMMENDED THAT THE NAME OF THE REGION WOULD BE THE NORTHEAST AVALON REGION.

COMPOSITION OF THE REGIONAL AUTHORITY

Having decided that there is a need for a regional body, and following determination of its general mandate and potential functions, responsibilities and powers, the Commission turned its attention to the structure and composition of said body. Examination of the evidence and information available convinced the Commission that to best carry out its proposed mandate, the regional body ought to be established as a regional authority under the provisions of *The Municipalities Act.*

In addition to its primary role of providing regional services to the municipalities, the Authority would carry out, on behalf of the Province, planning and development control and the provision of local government services in the unorganized areas of the Region. In the Commission's view, the Authority must be structured in a manner which would best allow it to perform its roles.

In its deliberations on the structure and composition of the Authority, the Commission was very aware of the concerns expressed in the public hearings and the divergent opinions expressed by the municipal councils and others. On the one hand it was urged upon us that the regional authority should be a compact, efficient, decision-making body, while on the other hand, we were asked by some councils to ensure representation for all municipalities in the region. This was compounded by the fact that the large municipalities expected recognition of their size and very significant contributions to the payment of regional services and the operation of the Authority.

Clearly, in the Commission's opinion the composition of the Authority must reflect the paramount interests of the municipalities and their role in funding it. However, it must also recognize the provincial interests and the involvement of the Province in capital funding. In addition, the interests of the people in the unorganized areas must be represented.

In our opinion the composition of the regional authority should reflect the interests of the municipalities in the region, as well as those of the Province and the people in the unorganized areas; and be an effective decision-making body. We believe that this can be best accomplished by having a provincially appointed chairman and indirectly elected municipal representatives. The chairman would represent the region at large and the citizens in the unorganized areas. The appointment of the chairman by the Province would ensure the independence of the position and the necessary linkage with the Provincial Government. On the other hand direct representation from the municipalities would ensure local interests are served.

Having given the matter considerable thought and debate, the Commission feels that to be effective and manageable the Authority must be compact but, nonetheless, as representative as possible. As well there must be a reasonable balance between the urban and rural representation.

RECOMMENDATION 2.5

IT IS THEREFORE RECOMMENDED THAT THE REGIONAL AUTHORITY SHOULD CONSIST OF 9 MEMBERS AS FOLLOWS:

A) A CHAIRMAN APPOINTED BY THE LIEUTENANT-GOVERNOR IN COUNCIL FOR FIVE YEAR TERMS.

B) EIGHT MUNICIPAL REPRESENTATIVES NOMINATED BY THE COUNCILS IN THE REGION FROM THEIR ELECTED MEMBERS AND APPOINTED BY THE LIEUTENANT-GOVERNOR IN COUNCIL FOR TERMS TO COINCIDE WITH THEIR REGULAR TERMS OF OFFICE AS MUNICIPAL COUNCILLORS.

1. THREE MEMBERS FROM THE ST. JOHN'S MUNICIPAL COUNCIL;
2. ONE MEMBER FROM THE TOWN COUNCIL OF MOUNT PEARL;
3. ONE MEMBER FROM THE TOWN COUNCILS OF CONCEPTIONBAY SOUTH AND HOLYROOD;
4. ONE MEMBER REPRESENTING THE TOWN COUNCILS OF PARADISE, PORTUGAL COVE, ST. PHILLIPS AND ST. THOMAS;
5. ONE MEMBER REPRESENTING THE TOWN COUNCILS OF FLATROCK, LOGY BAY - MIDDLE COVE - OUTER COVE, POUCH COVE, TORBAY AND WEDGEWOOD PARK;
6. ONE MEMBER REPRESENTING THE TOWN COUNCILS OF BAY BULLS, GOULDS, PETTY HARBOUR-MADDOX COVE, AND WITLESS BAY.

C) THE CHAIRMAN AND MEMBERS WOULD EACH HAVE A SINGLE VOTE.

RESPONSIBILITIES AND POWERS

This section of the Report provides an overview of the mandate of the Regional Authority and establishes a philosophical basis for the assignment of its responsibilities and powers and its relationship to the municipal councils in the region. Specific powers and functions will be covered in more detail in later chapters.

The basic mandate of the Northeast Avalon Regional Authority would be the same as that of the existing St. John's Metropolitan Area Board and can be summarized as follows:

1. To control development within the otherwise unorganized areas of the St. John's Urban Region;
2. To provide basic rural local government services to residents of those areas;
3. To administer and operate the regional water services and such similar regional services that may be required in the future; and
4. To be responsible for funding water and sewer projects, which serve more than one municipality in the Region.

As a regional authority established under the provisions of *The Municipalities Act,* the Northeast Avalon Regional Authority would have its specific powers designated by the Lieutenant-Governor in Council. The provisions of *The Municipalities Act* are sufficiently broad to enable the Lieutenant-Governor in Council to empower the Authority to undertake necessary functions and to perform same. In practice, however, roles would be assigned and authorization granted subject to careful study, planning and consultation with the municipalities concerned. Further, since the member municipalities would indirectly influence the Authority's budget it could not successfully undertake major functions without at least their tacit agreement and support.

The fact that given services or functions are regional in nature would not, in itself, be sufficient reason to have the Authority undertake them. The major determining consideration should be cost effectiveness. In some instances, it may be appropriate to grant the Authority overall responsibility for a regional function. However, the operational side could, by agreement, be retained or assumed by a municipal council. To be workable it will be necessary to designate certain functions as mandatory regional services. Where it is feasible, municipalities requiring a service designated as mandatory will be required to purchase such service from the Authority. However, in some instances this will not be practical for either the Authority or the municipality concerned. Regional services are dealt with in detail in Chapter III.

In addition to its primary role of providing regional services to those municipalities which can avail of them, the Regional Authority could contract with individual municipalities to provide, should the demand arise, such services as engineering, planning and building inspection. For a summary of primary services currently provided by municipalities in the region see Table 2.1.

The Authority would be involved, as well, in matters of a provincial nature such as regional planning and development control in the unorganized areas of the region. Insofar as possible, populated areas of the region would be annexed to adjoining municipalities. The remaining unincorporated areas would remain under the Authority's jurisdiction as local service areas under the provisions of *The Municipalities Act.* In those areas the Authority would have the power to levy taxes and fees.

Table 2.1

Summary of Primary Municipal Services

T — Service provided to entire municipality
P — Service provided to only part of the municipality
X — Service provided by entity other than the municipality
J — Joint servicing arrangement

	Water Supply	Sanitary Sewage Collection	Sanitary Sewage Treatment	Storm Drainage	Solid Waste Collection	Fire Protection	Animal Control	Snow Clearing	Ambulance Services	Solid Waste Disposal
Bay Bulls	P				T	X		T	X	T
Conception Bay South	P	P	P		T	T	T	T	T	T
Flatrock[1]										
Goulds	P	P			T	T	T	T	X	X
Hogan's Pond[2]										
Holyrood	P	P	P		T	T	J	T	X	T
Logy Bay-Middle Cove-Outer Cove					T	X		X[3]	X	X
Mount Pearl	T	T		T	T	X	T	T	X	X
Paradise	P	P			T	X	T	T	X	X
Petty Harbour-Maddox Cove	T	P			T	X	T	T	X	X
Portugal Cove	P	P			T	X	T	X[3]	X	X
Pouch Cove	P	P		P	T	T	T	T	X	X
St. John's	P	P		T	T	X	T	T	X	T
St. John's Metro Board	P	P		P	T	X		X[3]	X	X
St. Phillips	P				T	X	T	T	X	X
St. Thomas					T	X		T	X	X
Torbay	P	P			T	T		T	X	X
Wedgewood Park	T	T		T	T	X	T	T	X	X
Witless Bay					T	X		T	X	X

[1] Information was not received for the Town of Flatrock

[2] The Town of Hogan's Pond does not provide its residents with any services other than some limited regulatory control.

[3] Responsibility for snow clearing shared between the municipality and the Department of Transportation.

The Municipalities Act establishes a very clear distinction between the powers and responsibilities of regional authorities and local municipal councils. In short, the Regional Authority would be concerned with regional matters and would have no jurisdiction or involvement in local municipal matters. It would not have the power to impose taxes in the existing municipalities, or to apply a general assessment throughout the region. It would not be directly elected with an independent mandate. Rather, it would be an indirectly elected body, closely integrated with and complementary to the municipalities in the region. Clearly, it would not be another level of government, but basically a municipal authority providing regional services to municipalities on a user-pay cost-recovery basis.

RECOMMENDATION 2.6

IT IS THEREFORE RECOMMENDED THAT THE REGIONAL AUTHORITY ESTABLISHED UNDER *THE MUNICIPALITIES ACT* WILL HAVE ITS SPECIFIC RESPONSIBILITIES AND POWERS DESIGNATED UNDER THE PROVISIONS OF SAID ACT. FURTHER, THAT SUCH RESPONSIBILITIES AND POWERS WILL BE ASSIGNED SUBJECT TO CONSULTATION WITH THE MEMBER MUNICIPALITIES AND DETERMINATION OF COST EFFICIENCY AND PRACTICALITY.

RECOMMENDATION 2.7

IT IS FURTHER RECOMMENDED THAT IN ASSIGNING A MANDATE TO THE REGIONAL AUTHORITY THAT IT BE SPECIFICALLY PRECLUDED FROM INVOLVEMENT IN LOCAL MUNICIPAL MATTERS, EXCEPT IN THOSE MATTERS COVERED UNDER CONTRACT WITH INDIVIDUAL MUNICIPALITIES.

RECOMMENDATION 2.8

IT IS RECOMMENDED THAT THE REGIONAL AUTHORITY NOT BE GRANTED POWERS TO IMPOSE TAXES IN LOCAL MUNICIPALITIES OR TO APPLY A GENERAL ASSESSMENT THROUGHOUT THE REGION.

EVALUATION OF THE PROPOSAL BASED ON THE FEASIBILITY CRITERIA

(Section 9 (c) Municipalities Feasibility Report Regulations 1980)

In its approach to this section of its report the Commission found guidance in the feasibility reports of Commissioners C. W. Powell and B. Heywood, in 1981 and 1985 respectively. However, since this is the first regional proposal to be evaluated in accordance with Section 9, the Commission has used its own interpretation in applying the criteria in the regional context. In the proposal recommended by the Commission, the Regional Authority is primarily a regional, municipal servicing authority with limited local government responsibilities in areas outside of existing municipalities. Therefore the criteria are applied in evaluating the proposal from both a local government perspective and a regional servicing perspective. The Regional Authority is analyzed in relation to the population directly under its jurisdiction and in relation to the municipalities in the region.

Access of the People to Elected and Appointed Officials

In the proposal, several areas will be recommended for annexation to adjoining municipalities thus enabling the citizens in those areas to vote and have access to elected rather than appointed officials. Most of the remaining inhabited and unorganized areas will be

established as local service areas with advisory committees. The citizens in the areas concerned will have input in the running of their affairs and more effective access to officials, including the chairman, who would represent their interests on the Authority. The municipalities, through the irrepresentatives will have direct access to the decision-making process affecting them. In our opinion all aspects of access will be improved.

Representation in Accordance with the Distribution of Population

The population remaining under the Regional Authority will be considerably reduced from that currently under the St. John's Metropolitan Area Board. Most of those citizens will be in Local Service Areas, represented by advisory committees from their own area and, at the Authority level, by the chairman. Thus, representation in that sense will be greatly improved.

At the municipal level, representation on the Authority will be on the basis of one representative for units of approximately 30,000 population. While this does not provide direct representation for all municipalities or in strict accordance with population, it does provide adequate representation for all municipalities on a reasonably equitable basis. Thus municipal representation will be improved. In our opinion representation is adequate in relation to population.

Community Identity

There is no doubt that subtle changes occur in local perception and identity when smaller communities join larger ones. Local experience, though, has demonstrated that local community identity is well preserved. This subject is addressed in greater detail in a later chapter on boundary changes.

In the areas remaining under the jurisdiction of the regional body as "Local Service Areas", which are defined in Chapter VI, community identity will be improved. Likewise the local municipalities will not be adversely affected by this proposal. The availability of certain regional services will benefit the municipalities and enhance their presence.

At the regional level identity will be improved greatly. In contrast to the name the "St. John's Metropolitan Area", the name "Northeast Avalon Region" will easily identify the entire region. Further, with the municipal representation suggested for the Authority and its close integration with the municipalities, there will be opportunities to promote and improve the region, its identity and that of the municipalities. In the Commission's opinion, community, municipal and regional identity will all be improved.

Suitability and Need for Municipal Servicing

There is a demonstrated need for municipal regional type services and the region lends itself well to that concept, while the local areas under the Authority can be provided with local rural type services. The proposal recommended will provide the mechanism to achieve the respective servicing aims.

Physical Constraints to Municipal Servicing

As has been shown by other Commissions and studies there are physical and fiscal constraints to servicing at the municipal and regional level. Due to physical boundaries and lack of adequate water supplies or means of sewage disposal in many municipalities, those services can be obtained only through intermunicipal co-operation and a regional approach. Municipalities in the urban core are inextricably linked by common trunk lines and inter-dependent in the provision of certain services. While it is not economically feasible for some areas to use regional water and sewer systems, the Commission is convinced that by regional co-operation, and with necessary powers vested in the Regional Authority, certain physical and economic constraints can be overcome and a better level of municipal services made available to most municipalities.

Administrative Capability

The issue of administrative capability as it relates to areas impacted by boundary changes and annexations will be addressed later in the Report. In its local government role the Authority will rely on the St. John's Metropolitan Area Board's experienced staff and administrative capacity , coupled with support and guidance of the local service committees.

In its regional servicing role, the Authority will rely on the same source and capacity, with the support and co-operation as necessary from the municipalities. In the Commission's opinion the Authority will have adequate administrative capability to carry out its roles and functions.

Coordination of Municipal Services and Functions Throughout the Area Concerned

There can be no doubt that greater coordination of municipal services and functions will be achieved throughout the Region, thus enabling the provision of adequate services at reasonable costs.

Cost Efficiency of the Type of Administration Proposed for the Scale of Services Required

In the proposal under consideration the Regional Authority, in its regional servicing role, will be a capable cost-efficient administration. It will be able to provide certain services, generally at a lower unit cost than that which could be achieved by individual municipalities. It is realized that not all municipalities in the Region require or can avail of all regional type services, and it may well be possible for certain municipalities to provide certain services on a cost efficient basis. However, due to physical constraints and other factors, the costs of providing such things as water and sewer mains, treatment plants, and solid waste disposal facilities are extremely high in the Region and will require further expenditure of large amounts of public funds. This Commission concurs with the view expressed by the Whelan Commission that regional approaches and the pooling of money, facilities and equipment, offer better prospects for success and, in this case, cost-efficiency. As well, a more equitable distribution of municipal services will occur with the costs of same distributed more evenly to those who benefit from the expenditure of public funds.

With respect to its local government functions there is no doubt that the Authority will be able to provide the basic services more cost-efficiently than would be possible through the incorporation of more smaller municipalities. In all then, we are convinced that the proposed administration will be cost-efficient in providing the needed services.

Feasibility in Terms of Revenues and Expenditures

Revenue and expenditure requirements of the Regional Authority are addressed in a later chapter of the Report, where the matter is examined in some detail. It should be noted here that the Commission is convinced that the Authority can be more streamlined, with less overhead and as a result be more cost-efficient than the existing St. John's Metropolitan Area Board.

In its regional servicing role the Authority will operate on a cost-recovery basis and in this respect its operation will be self-reliant. Likewise in the provision of local services per se it will be largely self-reliant. However, it will have to rely on provincial statutory grants, including the Regional Incentive Grant, to offset some of its general administration costs and those associated with provincial type responsibilities, such as regional planning and developmental control. On the other hand, net benefits will be derived by both the region and the Province. Any costs incurred by the Province in the operation of the Regional Authority will be more than offset by more efficient use of provincial funds needed for municipal servicing and by the benefits derived from regional planning and development control in the unorganized areas.

Equity in Terms of the Taxpayers' Ability to Pay and the Benefits He Receives

This criterion will be applied to the individual boundary changes and annexation covered in another part of the Report. With respect to the citizens who will remain under the Authority's jurisdiction, there will be no significant impact from this proposal. Viewed from a regional perspective the proposal will make improved municipal services available to more municipalities in a more cost-efficient manner. The costs and benefits of such services will be spread more evenly throughout the region, therefore the proposal will be more equitable.

Response of Tax Yields to Changes in Economic Activity

In the Commission's view, this issue is not relevant to the overall proposal. However, it is considered, where applicable, in the chapter on boundaries and annexations later in the Report.

Equality Among Adjoining Municipalities Considering their Different Needs and Assets

For the purposes of this report, this criterion is not relevant in its strict sense. Where comparing services, taxes and fees in the Local Service Areas, it can be stated that they will be equal. Local Service Areas will compare favorably with the small rural municipalities in most service categories and in taxes and fees. The regional proposal will be positive towards all municipalities in the region and will be instrumental, over a time, in providing a more uniform standard of services to most municipalities at a uniform unit cost. When measured in a broad sense, equality of service and taxes is improved.

Simplicity of Proposed Municipal Structure

In the local government context the proposal provides a fairly simple rudimentary system comprised of advisory committees in the respective unincorporated areas working through the Authority's chairman and staff. The individual citizen can make representation directly to the chairman or staff. However, the widely scattered distribution of the areas and population does not lend itself well to communication. In the general sense the overall situation is improved by boundary changes and annexations, which see more areas and population under local municipal control. The proposal, as it relates to regional servicing, is simple and easy for municipalities to understand. Because citizens in the region will continue to deal with their local municipalities and have little or no direct involvement with the Regional Authority, from their perspective the proposal is indeed simple. In all, the Commission is convinced that the Regional Authority concept is as simple, direct and understandable as possible, and easily implemented under existing province-wide legislation — *The Municipalities Act.*

Acceptability of the Proposal

The Commission is satisfied that it has duly considered the viewpoints of the municipalities and others who made presentations at the Public Hearings. Furthermore, in making our recommendations we sought to allay most of the major concerns expressed. In that regard the proposal should gain acceptance. In general there is recognition of the need for regional servicing, planning and development control, but opinions are varied on precisely how that is to be accomplished.

We believe our proposal is relatively simple, straightforward and in accordance with the provisions of existing legislation. As well, it maintains a clear distinction between regional and local municipal matters, and is not another layer of government. It will not add inordinate costs to the Province or to the municipalities in the region. It does not provide for taxation of residents of existing municipalities. Basically, the proposal envisions a regional municipal servicing agency, which will provide much needed and improved services on a cost recovery basis to municipalities which require them. The Regional Authority will be integrated with and complementary to the existing municipalities, while maintaining a necessary linkage with the Province. We believe it will be acceptable to both.

Chapter III

REGIONAL SERVICES

Under its present mandate the St. John's Metropolitan Area Board is responsible for development control and the provision of basic local government services in the unorganized areas, the administration and operation of the regional water system, and the funding of water and sewer projects which serve more than one municipality in the region. The new Regional Authority should be responsible for regional servicing, although at the operational level such servicing should be limited to essential functions. In certain circumstances its role could be limited at the outset to coordination, planning and funding. Certain specific services or functions could remain under municipal control until it is deemed necessary to have the Regional Authority undertake same. This would enable the Regional Authority to keep its overhead and administrative costs down and to explore the issues and options relating to operating a specific service or providing a specific function in the future.

The Commission is convinced that for orderly growth and development in the Region there is a need for co-operation, coordination and administration in regional matters. This can be best accomplished through a body with overall responsibility for regional matters and with sufficient powers to enable it to function effectively. The Commission proposes that the Regional Authority be designated powers and responsibilities under Sections 304 and 305 of *The Municipalities Act.*

To assist the Regional Authority with technical advice and to provide co-ordination with the Provincial Government and the municipalities, it is further proposed that a technical advisory committee and a planning advisory committee be established. There is existing in the Department of Municipal Affairs a Technical Advisory Committee chaired by the Director of Engineering of the Department. This Committee would, in the future, advise the Regional Authority rather than the Minister of Municipal Affairs in matters relating to regional infrastructure. The Regional Engineer, the Director of Engineering for the City of St. John's and the Town Engineers from Mount Pearl, Conception Bay South, Paradise, Goulds and any other municipalities using major regional services would be members of the Technical Advisory Committee.

A new advisory Committee on planning should be established. This Planning Advisory Committee would be chaired by the Chief Eastern Region Planner of the Department of Municipal Affairs and the members would include the Regional Planner, the Director of Planning for the City of St. John's and any other municipal planners in the Region. The Planning Advisory Committee would offer advice as necessary to the Technical Advisory Committee and the Regional Authority and provide an element of coordination between the Regional Authority, the Province and municipalities in regional planning matters.

REGIONAL WATER SUPPLY SYSTEM

The major water supply systems in the Region are the Windsor Lake and Petty Harbour Long Pond Systems, which serve the City of St. John's and the Town of Wedgewood Park; and the Bay Bulls Big Pond System, which serves Mount Pearl, the Goulds, Conception Bay South, Paradise, Elizabeth Park-Evergreen Village and is also used to supplement the supply to the City of St. John's. Because of the way they have evolved the Windsor Lake and Petty Harbour Long Pond Systems and the Bay Bulls System are separately owned and operated. Moreover, the existing infrastructure of the St. John's system makes it more practical to extend that system to serve communities north of St. John's.

In order to have a fully regional and cost-effective system, it will be necessary to integrate those two major systems. Some communities would then be served by the Windsor Lake System, others by the Bay Bulls Big Pond System and those remaining would, because of the distances involved, use separate supply systems. Under this method of operation the Windsor Lake System would be used to serve as much of the northern part of the region as is economically practical. The remainder of its capacity will be used to supply the City of St. John's. The balance of the City's needs would be made up from the Bay Bulls Big Pond system. The cost of the new infrastructure required to transport and deliver Windsor Lake water to communities outside St. John's would be borne by the Regional Authority and the individual municipalities.

Although an interconnection exists at the present time between the Bay Bulls Big Pond System and the St. John's System, the Commission is advised that improvements will be necessary. As water from Windsor Lake is diverted to supply communities north of St. John's, some improvements may be required in the internal infrastructure of the City to distribute the increased flow to the City from Bay Bulls Big Pond. For a truly integrated and reliable water supply the two systems should be better interconnected to provide a fully looped regional water supply system. Improvements to existing municipal infrastructure as well as extensive new infrastructure will be needed throughout the region. Large amounts of money will be required over the years to undertake the necessary improvements to existing systems, to fund new infrastructure and to develop additional water systems throughout the region.

It is the Commission's belief that a regional approach to the supply of water would be cost-effective since it could provide a co-ordinated management system for the construction, operation, maintenance, and regulation of the water supply systems throughout the region. It would ensure effective use of limited fiscal resources and a limited natural resource to provide maximum benefits throughout the region. For the good of the region as a whole, regional control should be exercised over regional watersheds and water supply systems to ensure their longterm ability to provide a safe and adequate supply of drinking water. The Regional Authority should be given overall responsibility for water supply systems deemed to be regional. For the present; its operational role would be limited to the Bay Bulls Big Pond System. However, it would be responsible for overall planning, coordination and funding of all regional water systems. Local distribution systems would remain the responsibility of local municipalities.

The Windsor Lake Water System, owned and operated by the City of St. John's, has significant regional potential and is integrated to some extent with the Bay Bulls Big Pond Regional Water System. In the Commission's opinion it could be considered part of the regional water supply system and its operation assumed immediately by the Regional Authority; or it may be appropriate for the City to continue operating and managing it unless and until it is used as part of the regional system to supply water to communities north of St. John's. At that time the transfer of assets from the City to the Regional Authority and compensation therefor would have to be addressed, as well as the cost differential between the two systems.

The Commission is convinced that water is an essential but limited regional resource and that its protection and delivery can be best accomplished by a Regional Authority.

RECOMMENDATION 3.1

IT IS THEREFORE RECOMMENDED THAT THE REGIONAL AUTHORITY BE GIVEN RESPONSIBILITY FOR ALL REGIONAL WATER SUPPLY SYSTEMS. INITIALLY THIS WOULD INCLUDE THE BAY BULLS BIG POND WATER SUPPLY SYSTEM AND COULD INCLUDE THE ST. JOHN'S WATER SUPPLY SYSTEM BUT THE LATTER COULD BE DELAYED UNTIL IT SERVICES ADDITIONAL MUNICIPALITIES.

REGIONAL SEWAGE DISPOSAL SYSTEM

Two regional sanitary trunk sewers, constructed by the Provincial Government with funding through federal/provincial cost-sharing agreements currently serve the regional centre. The Northeast Trunk Sewer, which lies entirely within the St. John's municipal boundary, was designed to serve areas in the northeast, including Wedgewood Park, Penetanguishene and adjacent areas, and the Airport. The Waterford Valley Relief Trunk Sewer serves Paradise, Elizabeth-Park Evergreen Village and Mount Pearl and some of the lower part of the City of St. John's.

The full provincial share of the capital costs of these systems has been charged to the user municipalities based on the amount of undeveloped land which will benefit from the service. The Province charges the municipality an annual assessment for trunk sewers. In turn, the municipality recovers its costs over time in assessments from land developers. Under present arrangements user municipalities are responsible for the operation and maintenance of the portion of each trunk sewer which runs through their municipality.

The sewage from both mains, along with sewage from the City collector sewers, is discharged without treatment into St. John's Harbour. That concentration of sewage has raised serious environmental concerns and the long-range plan is to extend the system so that all the sewage will be given an appropriate level of treatment and discharged into the ocean outside the entrance to the harbour.

Major extensions will be required to existing municipal sewage disposal systems and new systems undertaken throughout the region. A major trunk sewer is proposed for the Penetanguishene Area and eventually sewage from part of Paradise and from Topsail Pond-Three Island Pond will be conveyed to the treatment plant at Chamberlains in the Town of Conception Bay South. Extensive capital funding will be required to undertake those projects and the very expensive treatment plants and associated work.

In the Commission's opinion the overall responsibility for regional sanitary sewage collection and disposal should be vested in the Regional Authority. In the long haul this would ensure the necessary planning, co-ordination and integration to permit cost-efficiency in capital spending and in operating and maintaining the regional systems. This would maximize opportunities to obtain funding and necessary improvements could then be undertaken for the benefit of the Region and for the protection of the environment.

In order to keep the administrative costs of the Regional Authority at a minimum level, the Commission recommends that the present arrangement with the user municipalities for operation and maintenance of the regional sewage disposal system continue until regional treatment plants and associated works are constructed. While it would have overall responsibility

for regional sewage disposal systems, the Regional Authority would confine its early activities to planning, co-ordination and funding.

All local collection systems, local pumping stations and treatment plants would remain the responsibility of the municipality.

RECOMMENDATION 3.2

IT IS THEREFORE RECOMMENDED THAT CONSTRUCTION AND OPERATION OF THE REGIONAL SANITARY SEWAGE COLLECTION AND DISPOSAL SYSTEM, INCLUDING PUMPING STATIONS AND SEWAGE TREATMENT PLANTS WHICH SERVE MORE THAN ONE MUNICIPALITY, BE DESIGNATED THE OVERALL RESPONSIBILITY OF THE REGIONAL AUTHORITY.

REGIONAL STORM DRAINAGE SYSTEM

There are no regional storm drainage systems at present; rather disposal of storm drainage depends exclusively on natural drainage provided by rivers and streams in the region. Since the major rivers cross several municipal boundaries, any activities in an upstream jurisdiction may have an impact on a downstream one. For this reason the river systems must be looked at in a comprehensive manner and a single plan developed for management of them. No overall storm water management is in place. However, the existing Technical Advisory Committee has prepared terms of reference for a Regional Storm Water Management Study for the St. John's Urban Area and the study is now in progress. In the Commission's opinion the Regional Authority should be responsible for development and ongoing monitoring of a Regional Storm Water Management Plan.

The local storm drainage collection systems would remain the responsibility of the municipality in which they are located.

RECOMMENDATION 3.3

IT IS THEREFORE RECOMMENDED THAT RESPONSIBILITY FOR THE DEVELOPMENT AND ON GOING MONITORING OF A REGIONAL STORM WATER MANAGEMENT PLAN BE VESTED IN THE REGIONAL AUTHORITY.

REGIONAL SOLID WASTE DISPOSAL

More than a decade after the completion of a regional waste management system study, waste disposal within the Region has not been satisfactorily addressed and efforts by the City of St. John's and the Department of Municipal Affairs are underway to raise money for a new Regional Solid Waste Management Study. The *St. John's Urban Region Waste Management System Final Report, March 1974* concluded that the solution to the regional waste disposal problem was the construction and operation of a properly designed and properly managed land fill operation — the Ruby Line Site. It recommended closing the City owned and operated Robin Hood Bay Site. The opposition was so intense to the Ruby Line Site that all consideration of the report was abandoned and efforts made to extend the life of the Robin Hood Bay operation, which is still being used for disposal of most the solid waste in the region.

Apart from the Robin Hood Bay landfill operation, there is one other sub-regional solid waste disposal site off the Foxtrap Access Road. It is located within the St. John's Metropolitan Area although it is operated by the Town of Conception Bay South. That incinerator site has a limited life and is not suitable for expansion. Other smaller sites in the Region at Holyrood, and Bay Bulls have limited capacity. The Holyrood site seems adequate to serve that town and surrounding communities, but the Bay Bulls site is experiencing problems.

It is the City's view that the Robin Hood Bay Site is coping adequately with the solid waste from the Region but not with the liquid waste. A road has been built around the landfill area and is providing access to additional fill for covering. In the City's opinion the operation is very cost- effective and ownership and operation should remain with the City.

The Robin Hood Bay Site is viewed as a good site by the Provincial Department of the Environment because of its geographic location, but the department has concerns about its viability in the long term. That Department is concerned about liquid waste and metal disposal. It is of the opinion that a new study should be undertaken concerning waste disposal in the St.John's Urban Region. Furthermore, the Department strongly supports the concept of regional management of waste disposal.

The solid waste management problem is so complex that it is impossible for the Commission or indeed any other party to suggest overall solutions. The Commission is convinced that the continued existence and scope of the problem suggests a regional approach is needed. The Regional Authority should be given overall responsibility for regional solid waste disposal. In the initial stage, it could be involved in co-ordination and planning and commissioning extensive studies to determine the future solid waste disposal needs of the region, and how the needs can be met in the most cost- efficient manner. Collection of solid wastes and delivery to the regional sites would continue to be the responsibility of the municipalities.

RECOMMENDATION 3.4

IT IS THEREFORE RECOMMENDED THAT THE REGIONAL AUTHORITY BE VESTED WITH OVERALL RESPONSIBILITY FOR REGIONAL SOLID WASTE DISPOSAL. OPERATION OF EXISTING WASTE DISPOSAL SITES WOULD CONTINUE TO BE A MUNICIPAL RESPONSIBILITY UNTIL A REGIONAL SOLID WASTE MANAGEMENT PLAN IS ADOPTED.

REGIONAL PLANNING

Regional planning is essential for the orderly growth and development of the region and for establishing a framework for implementation of regional services and infrastructure. In a sense, regional planning would provide the Regional Authority with a business plan establishing policies and programs relating to regional growth and infrastructure.

The Authority would be involved in the preparation of background studies regarding regional demographics, land use, transportation infrastructure and other issues of concern to the Region. Local municipalities would be able to avail of this information in the formulation of municipal plans, policies and infrastructure programs. Such information would be useful to local municipalities and would assist in the co-ordination of intermunicipal development and servicing issues throughout the Region.

The Authority would be given responsibility for monitoring the existing St. John's Urban Region Regional Plan and would initiate, as necessary, amendments on the basis of regional background studies and consultation with the municipalities in the region. A Planning Advisory Committee chaired by the Chief Provincial Planner for the Eastern Region and including the Regional Planner and senior municipal planners would participate in preparation of amendments to the regional plan.

Local municipal plans would remain the sole responsibility of the municipalities concerned and would be forwarded, as now, directly to the Department of Municipal Affairs for review and ministerial approval. Since amendments to local municipal plans could impact on the region it is suggested that the Department of Municipal Affairs would forward copies to the Regional Authority for information only. However, if in the opinion of the Department, a specific amendment would impact significantly on regional servicing, comment would be sought from the Regional Authority.

RECOMMENDATION 3.5

IT IS THEREFORE RECOMMENDED THAT RESPONSIBILITY FOR MONITORING THE ST. JOHN'S URBAN REGION REGIONAL PLAN BE VESTED IN THE REGIONAL AUTHORITY UNDER THE URBAN AND RURAL PLANNING ACT. FURTHER, THAT MUNICIPAL PLANNING WOULD CONTINUE TO BE THE RESPONSIBILITY OF LOCAL MUNICIPALITIES.

LOCAL AREA PLANNING

The Regional Authority would be responsible for carrying out planning at the local level for those areas located outside of municipal boundaries but within the region. Most of these areas will be rural and resource lands which will require local detailed plans for orderly development and proper management. As well, there will also be pockets of residential development that will require some form of local or community planning.

To enable the Regional Authority to undertake local or community plans, and prepare the development regulations and zoning maps would require that those parts of the Region outside of municipal jurisdiction be designated as local planning areas by the Minister of Municipal Affairs. The local area plans would be similar in nature to municipal plans and the process of preparation, approval and implementation would be the same.

It is envisaged that the present regional plan and the St. John's Metropolitan Area Municipal Plan would remain in effect. Therefore the St. John's Metropolitan Area Municipal Plan would be used initially as the local area plan. The Northeast Avalon Regional Local Area Plan, which would result, would be subordinate to the regional plan and would be reviewed by the Provincial Planning Office to ensure compliance with the requirements of The Urban and Rural Planning Act.

RECOMMENDATION 3.6

IT IS THEREFORE RECOMMENDED THAT THE REGIONAL AUTHORITY WOULD BE GIVEN RESPONSIBILITY FOR LOCAL AREA PLANNING IN THE OTHERWISE UNORGANIZED AREAS WITHIN THE REGION.

JOINT PLANNING

The lands under the jurisdiction of the Regional Authority will abut many of the municipalities in the region. A plan may have to be prepared for an area which extends beyond the jurisdiction of the Regional Authority into an area involving one or more municipalities or municipal planning areas in the region. This plan ought to be prepared jointly by all interested municipalities and the Regional Authority. The resultant plan, known as a Joint Municipal Plan, would be administered by a Joint Planning Authority under Section 43 of the Urban and Rural Planning Act. Member municipalities within the Joint Planning Area would be represented on the Joint Planning Authority. It is important that development in areas which extend beyond municipal boundaries into the regional area be undertaken in an orderly manner. The Regional Authority would be able to provide the planning expertise to participating municipalities.

RECOMMENDATION 3.7

IT IS THEREFORE RECOMMENDED THAT THE REGIONAL AUTHORITY BE GIVEN POWERS TO ENGAGE IN JOINT PLANNING.

REGIONAL DEVELOPMENT CONTROL

Development control has been exercised by the St. John's Metropolitan Area Board throughout the region since 1963, and has been instrumental in preventing the uncontrolled sprawl of urban development and in protecting rural resources. As well, Metro Board is responsible for development control along designated protected roads.

At present the Provincial Planning Office administers subdivision control throughout the region in all areas where full municipal services, including water and sewerage, are not available. This responsibility should be vested in the Regional Authority to ensure adherence to the policies of the Regional Plan and to ensure subdivision development occurs in the best interests of the region.

Development control within municipalities would continue to be the responsibility of municipal councils.

RECOMMENDATION 3.8

IT IS THEREFORE RECOMMENDED THAT THE REGIONAL AUTHORITY BE RESPONSIBLE FOR DEVELOPMENT CONTROL IN THE OTHERWISE UNORGANIZED AREAS OF THE REGION, FOR ADMINISTRATION OF THE ST. JOHN'S URBAN REGION SUBDIVISION REGULATIONS AND FOR CONTROL OF DEVELOPMENT ALONG DESIGNATED PROTECTED ROADS.

REGIONAL EMERGENCY SERVICES

The Lieutenant-Governor in Council may, pursuant to Section 304 of *The Municipalities Act,* assign to the Regional Authority the power to provide regional police services, regional ambulance services and regional fire protection. These are optional functions and are not required to be given to the Regional Authority unless the Lieutenant-Governor in Council determines that it is appropriate to do so.

Regional Police Services

The Royal Newfoundland Constabulary now provides police services throughout most, if not all of the St. John's Urban Region. The force is a provincial force with its headquarters in St. John's.

In these circumstances the Commission is of the view that it would be difficult, if not impossible to make the part of the Royal Newfoundland Constabulary which services this region, a separate regional police force.

It should be noted, however, that many parts of the region are concerned about lack of police protection particularly during shift changes. There are presently no precincts in the region other than the central precinct at Fort Townsend. This would appear to be inadequate.

Given that the Regional Authority will be representative of municipalities and other groups in the region, the Commission hopes that the Royal Newfoundland Constabulary and the Provincial Government would consult with the Regional Authority on issues such as the distribution of services and personnel.

RECOMMENDATION 3.9

THE COMMISSION THEREFORE RECOMMENDS THAT THE REGIONAL AUTHORITY NOT BE GIVEN THE MANDATE TO PROVIDE REGIONAL POLICE SERVICES.

Regional Fire Protection

The St. John's Fire Department is unique in that it is the only provincial or state run fire department in North America. It is operated through the Provincial Department of Justice which passes on 85 percent of the operating costs to the user municipalities in the region. These municipalities, including the City of St. John's, have no say in how the services are distributed or in how the dollars are spent even though they are paying the lion's share of the cost of the service.

The frustration experienced by municipalities, which are bearing ever increasing costs of a fire protection service over which they have no control, has led the Town of Mount Pearl to conclude that it can provide its own fire department at less cost than it is presently paying for the St. John's service. The Commission's views on this subject appear later in this section.

Fire protection services in the region are a combination of paid and volunteer services. The St. John's Fire Department has six stations; East End, Central, West End, Brookfield, Kent's Pond and Kenmount stations. In addition, there are volunteer fire departments in the towns of Goulds, Torbay, Conception Bay South, Holyrood and Pouch Cove. The remaining municipalities do not have volunteer fire departments and use the St. John's Fire Department.

In terms of distribution of the service the following situation exists:

BROOKFIELD FIRE STATION

This station is located in St. John's near the eastern boundary of the Town of Mount Pearl. It responds to the very western area of the City, to Mount Pearl, Kilbride, Petty Harbour, Bay Bulls, Witless Bay and, on rare occasions, to Conception Bay South. It also provides

a back-up service for the Town of Goulds when requested. The volunteer fire department in the Goulds only responds to neighbouring areas when it is determined that a life-threatening situation exists.

KENMOUNT FIRE STATION

This station is located on O'Leary Avenue and is now in fact a substation. With the expansion of Conception Bay South Fire Department the calls to this station were reduced. It responds to St. Phillips, St. Thomas, Paradise, some of the Northwest of the City of St. John's and surrounding rural areas. It is backed up by at least one other station for all serious incidents.

KENT'S POND FIRE STATION

This station responds to the northeast section of St. John's and to Portugal Cove, Logy Bay - Middle Cove - Outer Cove, Bauline and points between. It provides a backup service, on request, to the volunteer departments at Torbay and Pouch Cove. It also provides a back up service to Flatrock which relies on Torbay for first response due to an agreement between those two towns. Except in the case of Flatrock, volunteer departments in this area only respond outside their town boundaries when a life threatening situation exists.

OTHER

West End Station responds to Shea Heights, Blackhead and Cape Spear. Central and West End, together with the East End substation respond to their designated areas in the City.

There is no doubt that the St. John's Fire Department together with the local volunteer fire departments provide a truly regional service.

FUNDING

Funding for the St. John's Fire Department is from two sources: the Province and the user municipalities. However, the user municipalities do not all pay the same rate for the service. The annual budget is presently $9.5 million.

The Province pays 15% of the cost of the St. John's Fire Department. This appears to be a completely arbitrary amount and is intended to cover the cost of the service provided to public buildings, i.e. hospitals, institutions, schools and government offices, which do not pay taxes to the municipalities. On the other hand, the City of St. John's, the Towns of Mount Pearl and Wedgewood Park and the St. John's Metropolitan Area Board contribute, based on their percentage of the total value of property assessments in those municipalities. The Town of Mount Pearl presently pays over one million dollars for the service it receives based on 17.4% of the total assessments of the four municipalities. The City of St. John's pays more than four times that amount.

The towns of Paradise, Portugal Cove, St. Phillips, St. Thomas and Logy Bay - Middle Cove - Outer Cove pay $30 per property unit as they have no volunteer departments. This must be contrasted with the $200 - $250 per household that Mount Pearl estimates it is paying; and with the 4 mills (approximately $200) per household paid by Metro Board residents in Evergreen Village and Elizabeth Park immediately adjacent to Paradise.

Towns having volunteer fire departments do not contribute at all even though they rely on the service of the St. John's Department for backup.

COSTS

The primary problems with the St. John's Fire Department are, in fact, related to cost.

Firefighters, like policemen and others covered by *The Uniformed Services Pensions Act,* face mandatory retirement with very generous pensions. Non-commissioned officers must retire after25 years. They then receive, as pension, 65% of their last day's pay. Commissioned Officers can stay until 60 or retire after age 55 and 30 years service at 75% of their last day's pay. (In contrast most pensions are based on the average of the last five years' income.) These pension costs are currently billed to the municipalities in the region.

The second problem is "overtime" or "call back" related to sick leave. Firefighters work twenty-four hours on and seventy-two hours off. If a person calls in sick, and it is necessary to call in a replacement, that replacement earns double pay for the full twenty-four hour shift. In practical terms one sick day for a fireman is equivalent to 3 sick days for the average worker. In the period January 1 - December 31, 1986, 23,508 man hours were lost due to sick leave, down from 37,488 in 1982. In 1982, call back cost nearly $500,000.00. Concerted efforts have been made to rectify the problem substantially reducing the cost. However, callback is still an expensive item.

Perhaps more importantly, the St. John's Fire Department at present probably over-manned. The national average of firefighters per one thousand people is 1.8. Halifax has a total of 150 firefighters. The St. John's Fire Department has 256. This is about the same number as before the municipalities of Goulds, Conception Bay South, Pouch Cove, Torbay and Holyrood set up their volunteer services substantially reducing the number of calls to which the St. John's Department responds. A detailed analysis of the actual manning needs of the department is required.

It is the view of the Commission that the St. John's Fire Department ought, eventually, to be a regional fire department providing services on a cost recovery basis through the Regional Authority. However, a number of matters must be addressed before this is feasible or fair. In particular, the manning needs of the department must be analyzed and, if necessary, dealt with before the service is provided through the Regional Authority. When the transfer is possible and these matters have been dealt with, the Commission contemplates that the only practical change in the operation of the department will be that the Fire Chief will then report to the Regional Authority rather than the Department of Justice.

RECOMMENDATION 3.10

IT IS RECOMMENDED THAT THE ST. JOHN'S FIRE DEPARTMENT CONTINUE TO BE OPERATED BY THE DEPARTMENT OF JUSTICE UNTIL SUCH TIME AS MANNING REQUIREMENTS HAVE BEEN THOROUGHLY ANALYZED AND ACTION TAKEN TO RESOLVE ANY OVER-MANNING WHICH MIGHT BE IDENTIFIED. ONCE THIS HAS BEEN DEALT WITH, RESPONSIBILITY FOR THE ST. JOHN'S FIRE DEPARTMENT SHOULD BE TRANSFERRED FROM THE DEPARTMENT OF JUSTICE TO THE REGIONAL AUTHORITY.

MOUNT PEARL

The Town of Mount Pearl is presently seeking to create its own paid fire department.[1] Its complaint is that it has been required to contribute "a very high rate of all our tax dollars to pay for fire protection".[2] The town council is of the view that it can build its own station, probably on Ruth Avenue, have it fully equipped and actually save money.

Mayor Hodder of Mount Pearl commented with respect to sharing the St. John's Fire Department with the City of St. John's.

> "I have to be fair and somewhat critical that the St. John's Fire Department has to be dragged or pushed or shoved into the 20th century, and its got to modernize itself ... from a philosophy point of view Mount Pearl and St. John's should be able to share the same fire department. From a practical reality then it's not going to be possible to do it because Mount Pearl can supply its own a lot cheaper and part of it is because the St. John's system simply has to modernize, everything from the shift system that they use, the number of man hours they are taking up and the location of their fire halls as well... I don't want to come across as unduly criticizing them, but I do want to make it quite clear that Mount Pearl arrives at its position on the fire department out of frustration".[1]

As discussed earlier in this paper, the Commission recognizes the cost problems relating to the St. John's Fire Department. It also recognizes the frustration of the Town of Mount Pearl which must pay for the service and yet has no input respecting its cost or distribution of the service. The Commission is equally cognizant of the fact that St. John's, Mount Pearl and other municipalities ought to be able to share the service and we are of the opinion that, with some changes in the way the service is administered, they should continue to do so.

The cost problems and lack of input by paying municipalities have already been dealt with in this chapter. Mount Pearl's concerns and those of the Commission, respecting distribution of fire halls and the proposed costs of Mount Pearl's own system will now be addressed.

The Commission has devoted considerable time and energy to the problems and the challenges facing the St. John's Fire Department and the municipalities who depend on the service. One of these challenges is a redistribution of the fire service westward to recognize and reflect the substantial population increases in Mount Pearl and other areas west of the City of St. John's.

The Town of Mount Pearl has experienced substantial population growth since the Brookfield Fire Station was opened in 1968; as has Donovan's Industrial Park. That has been recognized within the service to the extent that the station has been upgraded from one pumper and one pickup with portable pumps in 1968 to four vehicles and related personnel today i.e. one 840 gpm pumper, one rescue salvage tender, one 100 foot aerial ladder and a pickup truck with portable pumps for rural areas. However, the equipment increase does not address the distance and traffic problems which have arisen with the expansion in Mount Pearl and other areas. We realize that experts in the firefighting field can probably show that these geographical and response time matters have a negligible effect on the delivery of the service. Rightly or wrongly, public perception in areas west of the City is otherwise. This translates into a real fear that the units from the Brookfield station simply cannot get there in time.

The central and some of the western area of St. John's is presently serviced by three fire halls, Central, East End and West End. Central and East End Fire Stations are within two minutes of each other. The East End Fire Station has already been downgraded to a substation. Given its proximity to the Central and, in fact, Kent's Pond and West End Stations, the East End Station could be closed and its equipment and staff moved to a new station, probably in the western area of Mount Pearl. The Town of Mount Pearl has suggested the

Ruth Avenue area, which presumably would also provide reasonable coverage to the Donovan's Industrial Park. If this occurred, the response areas of Brookfield, Central and West End Stations could be extended eastward to cover the former East End district. Because of the Mount Pearl station, Brookfield's present response area would be reduced thus permitting these eastward inclusions of the other districts.

The East End Fire Station is presently equipped with one 840 gpm pumper and 4 sets of self-contained breathing apparatus with a spare cylinder for each set. The new Mount Pearl station would probably need an additional pick-up or four wheel drive vehicle and, over time, other equipment would probably be allocated to it on an "as needed" basis.

It is the Commission's view that the proposal outlined above would address the major concerns of the Town of Mount Pearl respecting the allocation of the service at much less cost from an equipment viewpoint than their own proposal. On the other hand, manpower and other cost concerns respecting the present St. John's Fire Department will still need to be addressed. Unfortunately, the Commission is not convinced that the Mount Pearl proposal will save the town money in the long term in these operational areas.

The Commission is concerned that the cost savings, if any, to the Town of Mount Pearl in operating its own fire station would be short term. As already discussed, the major portion of the cost of the St. John's Fire Department is the cost of manpower. The Town of Mount Pearl has apparently had discussions with the Canadian Union of Public Employees and has reached an agreement with it that addresses many of the cost issues presently facing the St. John's Fire Department and the Association of Firefighters. Given the historical and understandable inclination of workers to seek parity with others doing the same work, the Commission does not believe that these cost savings would be longterm. In addition, the Mount Pearl proposal does not budget for fire prevention, training or fire inspections.

In addition, we understand that the Town of Mount Pearl has requested that it be provided two pumpers, 840 gpm and 625 gpm, and a rescue unit at substantial cost to the taxpayers of the Province.

RECOMMENDATION 3.11

IT IS RECOMMENDED THAT EAST END STATION BE CLOSED AND THAT ITS CREWS, PUMPER AND EQUIPMENT BE TRANSFERRED TO A NEW FIRE STATION LOCATED IN THE WESTERN AREA OF MOUNT PEARL TO BE PART OF THE ST. JOHN'S FIRE DEPARTMENT AND, ULTIMATELY, PART OF A REGIONAL FIRE SERVICE UNDER THE AUSPICES OF THE NORTHEAST AVALON REGIONAL COUNCIL.

VOLUNTEER FIRE DEPARTMENTS

Volunteer fire departments are, by their very nature, local. It is our view that they should remain local in nature as long as they remain fully volunteer services. The Commission is concerned that any effort to control volunteer fire departments through the Regional Authority would cause the service to disintegrate.

On the other hand, mutual aid arrangements between neighbouring towns such as Torbay, which has a volunteer service and Flatrock, which does not, should be considered by existing volunteer fire departments. It should not, however, be imposed upon them.

Notwithstanding the above, if and when a volunteer fire department becomes a paid or partly paid service, then it should become part of the regional fire service, paid for by the Regional Authority and coordinated by it. This would appear to be years in the future.

RECOMMENDATION 3.12

IT IS RECOMMENDED THAT VOLUNTEER FIRE SERVICES IN THE REGION REMAIN LOCAL IN NATURE AND INDEPENDENT OF THE REGIONAL AUTHORITY. IN THE LONG TERM, IF AND WHEN A VOLUNTEER DEPARTMENT EVOLVES INTO A PAID OR PARTLY PAID SERVICE THEN IT, LIKE THE ST. JOHN'S FIRE DEPARTMENT, SHOULD COME UNDER THE CONTROL OF THE REGIONAL AUTHORITY AND BECOME PART OF A REGIONALLY COORDINATED FIRE RESPONSE SYSTEM.

Regional Ambulance Services

Ambulance services in the region are provided primarily from the Health Sciences complex in St. John's. Conception Bay South does have a volunteer ambulance service operating from its volunteer fire halls. Holyrood is serviced by a private ambulance service.

We cannot begin to recount the criticisms we have heard of the *emergency* response from the Health Sciences Complex. We stress the word emergency because the Health Sciences Complex ambulance service is not a dedicated single-purpose emergency ambulance service. It is a multi-purpose ambulance service. A large portion of the workload of the Health Sciences ambulance service involves transportation of patients to and from various other hospitals and institutions in the City and outside it. This has a negative effect on the quality of the emergency response of the ambulance service and on the availability of ambulances to respond to medical emergencies.

The other very real problem is geography. Earlier in the report the distribution of fire services and the location of fire stations was discussed. In the case of emergency ambulance services, the situation is more acute. Ambulances from the Health Sciences Complex respond to Pouch Cove and to the Goulds and Mount Pearl. There is apparently often a considerable period of time before an ambulance from the Health Sciences Complex arrives at the scene of an emergency. This is clearly not adequate.

The St. John's Fire Department at present has 12 trained emergency medical attendants in its firefighting force. Three more are now being trained. They man the Rescue Unit at Central Fire Station which provides a back-up to the Health Sciences Centre ambulance service and responds to calls on the 911 system when a life-threatening emergency is believed to exist. It is primarily part of the general fire protection service and is equipped for rescue in those circumstances. The Commission has heard on numerous occasions and from a variety of sources that the only place where a Health Sciences Ambulance responds faster than the Fire Department Rescue Unit is on Prince Philip Drive (where the Health Sciences Complex is located).

It is the view of the Commission that a number of factors contribute to this phenomenon. The Fire Department provides a dedicated emergency function. It is not multi-purpose, emergency and non emergency like the Health Sciences Ambulance Service. Its personnel are therefore always on the alert and ready to respond quickly to a call. Secondly, a large part of the training of fire department personnel is devoted to street identification and location. Ambulance drivers receive little street training and often are delayed getting directions on

the location of the emergency. Thirdly, because it is a single purpose emergency service, the Fire Department does have equipment and manpower to respond to an emergency. The multi-purpose Health Sciences ambulance service sometimes only has one or two ambulances available to respond to medical emergencies in the region.

The Commission is of the view that emergency, as opposed to non-emergency, ambulance services in the region require considerable up-grading and require a more dispersed geographical component.

First of all, emergency ambulance services need to be completely separate and apart from non-emergency services. Secondly emergency ambulance services must be available to all residents of the region on a timely and effective basis. This requires that emergency ambulance services operate from various locations in the region reflecting the demand for emergency ambulance service as well as the geography. This can be accomplished two ways.

1. Emergency ambulance services could become part of the function of the St. John's Fire Department and, where necessary, be ancillary to volunteer fire services although the ambulance component in those areas need not be voluntary.

   Properly equipped rescue units or ambulances could be stationed at fire stations at Kent's Pond and at Brookfield Station and/or the possible Mount Pearl station. Each would be manned by a driver and at least a trained emergency medical attendant. Communications systems could be installed to link attendants to medical professionals where necessary. This would only involve the expansion of the service already in place at Central Station in St. John's and would go a long way towards solving the distance and other problems of the present system.

   In rural areas, or areas otherwise too distant from the stations of the St. John's Fire Department, private ambulance services, such as are found elsewhere in the province, including Holyrood, could be permitted.

2. In the alternative, emergency ambulance services could be geographically disbursed throughout the entire region by using private ambulance services exclusively. This, however, would be a major change from the present system and would require much further study.

The St. John's Fire Department already provides a limited emergency ambulance service which has proven its effectiveness. This service could be expanded and could solve the geographical constraints of the present service by utilizing existing firestations in strategic areas. The only major cost would be the addition of a properly equipped ambulance to those stations designated for the service. Existing firefighters with emergency medical attendant's training would be the most cost-effective way to man the vehicles. However, if the solution is to reassign vehicles from the Health Sciences Complex, then their drivers and attendants could also be reassigned.

In outlying areas volunteer ambulance services or private ambulances would then supplement the service.

In any event, it is the Commission's view that the distribution of emergency ambulance services is a regional matter. Assuming that one of the above proposals is adopted by government, then ultimately, the Northeast Avalon Regional Authority should be responsible for ensuring that emergency ambulance services are properly distributed in the Region.

RECOMMENDATION 3.13

IT IS RECOMMENDED THAT EMERGENCY AMBULANCE SERVICES BE SEPARATE AND DISTINCT FROM NON-EMERGENCY AMBULANCE SERVICES AND BE BETTER DISTRIBUTED GEOGRAPHICALLY. IT IS ALSO RECOMMENDED THAT THE NORTH-EAST AVALON REGIONAL AUTHORITY BECOME RESPONSIBLE FOR ENSURING THAT EMERGENCY AMBULANCE SERVICES ARE PROPERLY DISTRIBUTED IN THE REGION EITHER THROUGH THE ST. JOHN'S FIRE DEPARTMENT WHEN IT IS TURNED OVER TO THE REGIONAL AUTHORITY,THROUGH PRIVATE AMBULANCES OR THROUGH A COMBINATION OF THE ABOVE.

The 911 System

For several years the St. John's Fire Department has handled the 911 system from Central Station in St. John's. It is manned 24 hours per day. It services the entire Northeast Avalon Region, other than Holyrood. The firefighters who man the system direct the calls received to the appropriate agencies and police, fire or ambulance services, or all three if necessary, are dispatched to the scene of the emergency.

The 911 system operates from cramped quarters on the second floor of Central Fire Station. It is manned continuously by two firefighters and a supervisor. It is not computerized. Two men from each shift are assigned there on a rotating basis for 24 hours of each day. Each pair is assigned for four hours between 8 am and 9 pm and for two hours periods at night to eliminate fatigue.

The 911 system is clearly a regional emergency service. Calls are received from all over the region and communications systems are in place between the 911 communications system and the Royal Newfoundland Constabulary, the RCMP, local hospitals, poison control and volunteer fire department as well as ambulance services and the Department of Forestry.

The 911 system needs considerable equipment upgrading and improved facilities (eg. computerization) in order to achieve its full potential although the service is presently adequate, if inefficient, to operate. It could also be manned by civilian personnel. In any event the Commission believes that the service should be provided through the Northeast Avalon Regional Council.

RECOMMENDATION 3.14

IT IS RECOMMENDED THAT THE REGIONAL AUTHORITY ULTIMATELY BE GIVEN RESPONSIBILITY FOR THE 911 SYSTEM. THIS WOULD COINCIDE WITH THE TRANSFER OF RESPONSIBILITY TO THE AUTHORITY FOR THE ST. JOHN'S FIRE DEPARTMENT.

OTHER MUNICIPAL FUNCTIONS

Under the provision of Section 305(d) the Regional Authority would be permitted to undertake, by agreement with the municipality concerned, such municipal functions as building inspection, local road maintenance, animal control or solid waste collection. Any such undertakings would be negotiated between individual municipal councils and the Regional Authority and would differ from municipality to municipality. The Regional Authority would not be obliged to accept responsibility for any specific undertaking, nor would municipalities be required to enter into such agreements.

Provision of Services by Agreement

In addition to and apart from the undertaking of municipal functions by agreement, the Regional Authority would be authorized to enter into agreements with local municipalities or cities to provide certain technical and administrative services to them, subject to the recovery of costs and other provisions of Section 505 (e) of *The Municipalities Act.*

RECOMMENDATION 3.15

IT IS THEREFORE RECOMMENDED THAT THE REGIONAL AUTHORITY BE AUTHORIZED TO UNDERTAKE CERTAIN MUNICIPAL FUNCTIONS AND TECHNICAL AND ADMINISTRATIVE SERVICES SUBJECT TO THE PROVISIONS OF *THE MUNICIPALITIES ACT* SECTION 505 (D) AND (E) AND AGREEMENT WITH THE MUNICIPALITIES CONCERNED AND THE RECOVERY OF FULL COST. FURTHER, MUNICIPALITIES WOULD NOT BE REQUIRED TO ENTER INTO ANY SUCH AGREEMENTS.

ENDNOTES

[1] Mount Pearl brief, page 20.

[2] Transcript of hearing at Mount Pearl on May 21, 1987, page 13.

[3] Transcript of hearing at Mount Pearl on May 21, 1987, page 14.

Chapter IV

ORGANIZATION OF THE REGIONAL AUTHORITY

In the proposal recommended by the Commission, the Regional Authority would have three primary functions. It would provide basic local government services and undertake municipal administration and local planning functions in the otherwise unorganized areas of the Region. It would be responsible for monitoring the St. John's Urban Region Regional Plan and for development control in those areas of the region not under municipal jurisdiction. In addition to its primary role — the operation of the Bay Bulls - Big Pond Regional Water System the Regional Authority would have overall responsibility for other regional services. While its local government and development control roles would be less than that of the St. John's Metropolitan Area Board, some of its roles would be increased and it would assume additional responsibilities.

The Commission did not undertake an overall management study or detailed analysis of the existing administration, and expenditures. That would be better left to the new regional authority, However, we are satisfied that administrative costs and overhead can be reduced and that a new organizational structure will be required. Furthermore senior staff positions will have to be reclassified in accordance with *The Municipalities Act.* With the reductions in staff and general administration, the overhead costs associated with rental space, vehicle operation, telephone, postage, office supplies and other incidentals along with salary and employee benefit costs can be reduced.

Since the workload will be decreased, due to reduced local government responsibilities, the present Metro Board staff complement will have to be reduced. Positions identified as redundant as a result of annexations by municipalities should be transferred to the municipality which directly affects the position in accordance with Section 426.1 of *The Municipalities Act.*

As a result of this proposal, changes will occur in the municipal structure of the region which will cause a further decline in the local government role of the regional body. With the annexation of Elizabeth Park Evergreen Village to the Town of Paradise the existing Public Works Department will not be needed by the Regional Authority. Likewise the Authority will not require a fulltime building inspector and the planning and development control staff can be reduced. Similarly, the Administration Section will have a smaller workload for the foreseeable future and can be reduced.

The Engineering Section is properly staffed and efficiently organized to continue its existing primary role — the operation of the Bay Bulls Big Pond Regional Water Supply System. It can absorb the building inspection functions and it can assume, for the present, without extra staff, the added responsibilities associated with regional sanitary services. At a future date, if the Authority assumes operational involvement in regional sewage disposal, storm drainage, and solid waste disposal systems; an assistant engineer and appropriate staff would be required.

PROPOSED STRUCTURE AND STAFF REQUIREMENTS

It is the Commission's view that certain powers and responsibilities should be vested in the Regional Authority. However, its operational roles would be limited for the present, and if required could be expanded in the future. While the Commission has identified certain functions and responsibilities, which should be vested immediately in the Regional Authority, there are other matters which could be considered in the future. Fire protection and certain

emergency services could be assigned, in the future, to the Regional Authority. Likewise certain responsibilities and functions which are presently vested solely with the Province could be considered; for example, regional roads and matters relating to resource lands. Similarly, large-scale regional industrial parks, which would impact on the whole region, could be managed regionally with the benefits shared throughout the region. This would foster cooperation and through concentrated efforts could result in immense benefits to the region, including the generation of revenues to be used to defray regional servicing costs.

At the outset the functions of the Regional Authority would be similar to the present functions of the St. John's Metropolitan Area Board. However, since the Regional Authority would be established under the provisions of *The Municipalities Act*, the staff structure would be largely as prescribed by that Act.

The decision and policy making body would consist of a provincially appointed chairman and eight indirectly elected municipal representatives, and would be known as the Northeast Avalon Regional Authority. In establishing policy and making decisions pertaining to its local government functions, the Authority would seek advice and guidance from elected local service area advisory committees. Similarly, the Authority would have the guidance and advice of the Technical Advisory Committee and the Planning Advisory Committee in technical matters relating to regional servicing, and planning and development control. These committees would have municipal, regional and provincial representation.

The Authority would have appropriate professional support staff and could avail of consulting firms to undertake large scale studies or special projects. The staff complement should be kept to the minimum necessary and be versatile and prepared to assume multifaceted roles. Rather than hiring fulltime permanent personnel the Authority should, wherever possible, rely on temporary workers to fill short-term gaps. Salary and benefit costs will remain high due to the professional nature of the jobs and the fact that most staff members have long years of service and generous wage and benefit packages.

THE CHAIRMAN AND CHIEF EXECUTIVE OFFICER

The Chairman of the Regional Authority would be the chief executive officer responsible for the proper planning and administration of the affairs of the Authority and execution of the policies determined by it. The Commission feels that the position of the chairman should be fulltime for at least the first five years of operation of the Authority. The chairman should have a solid background in municipal government, be familiar with the Region and regional matters and have experience in administration. As chief executive officer, the chairman would personify the public image of the Authority and forge the necessary links with the municipalities, the Province, and the Federal Government and their respective agencies. To help the Authority gain acceptance and carry out its roles, including its primary task of raising funds for regional servicing, a capable and respected individual who can devote full time energies to the task will be required as Chairman.

The Chairmanship should be reviewed at the end of five years to evaluate the performance of the incumbent and to determine whether or not the position needs to be fulltime. By the end of five years, the Authority should have proven its effectiveness. By that time, in addition to operating the Bay Bulls Big Pond Regional Water Supply System, it will probably have

undertaken other operational roles in regional servicing. A general staff and organizational review would then be appropriate.

RECOMMENDATION 4.1

IT IS THEREFORE RECOMMENDED THAT THE CHAIRMAN OF THE REGIONAL AUTHORITY BE ITS CHIEF EXECUTIVE OFFICER AND THAT THE POSITION BE FULL-TIME FOR AT LEAST FIVE YEARS. FURTHER, THAT THE POSITION BE REVIEWED AT THE END OF FIVE YEARS TO DETERMINE THE SUITABILITY OF THE INCUMBENT AND WHETHER OR NOT THE POSITION SHOULD CONTINUE TO BE FULLTIME.

REGIONAL ENGINEER – MANAGER

Considering the anticipated workloads in the present and immediate future, and the need to keep the overhead costs to a minimum, the Commission is of the opinion that the role of Regional Manager can be shared, for the present, by the Chairman and the Regional Engineer. The Chairman would be the chief executive officer and the Regional Engineer would assume the duties of chief operating officer. This arrangement would also be reviewed at the end of five years when, if change is necessary, the position of Regional Engineer-Manager could be split. For the time being this is a practical compromise.

The professional background and general experience of the incumbent Town Engineer and his present responsibility for the main operations of Metro Board qualifies him to be reclassified as Regional Engineer-Manager. The Regional Clerk-Treasurer and the Regional Planner would report to the Regional Engineer-Manager.

RECOMMENDATION 4.2

IT IS THEREFORE RECOMMENDED THAT THE EXISTING TOWN ENGINEER WOULD ASSUME THE POSITION OF REGIONAL ENGINEER - MANAGER, REPORTING TO THE CHAIRMAN, AND BE RESPONSIBLE FOR THE OPERATION OF THE REGIONAL AUTHORITY.

Bay Bulls - Big Pond Regional Water Supply System

The operation of the Bay Bulls Big Pond Regional Water System would remain under the direction of the Regional Water Supply Engineer who would report to the Regional Engineer. The existing staff complement, organization and administration is appropriate. At some future time it may be appropriate to combine that system with the St. John's Water System, especially if Windsor Lake is eventually used to supply water to the northern communities. At that time a new management system could be considered.

Regional Sanitary Services

The Regional Authority would be given overall responsibility for regional sewage disposal, regional storm drainage management and regional solid waste disposal. However, it would not assume operational roles in the provision of any of those services until such a need is established and a determination is made of the most cost effective means of service delivery. At such time it may be appropriate to appoint a Regional Sanitary Services Engineer and appropriate staff. In the meantime, the Regional Engineer, with assistance from the Regional Water Supply Engineer, would monitor the status quo and, under the direction of the Regional Authority, assess the future needs and most appropriate delivery modes.

Building Inspection

The Engineering Technician III would assist the Regional Engineer and be responsible to him for building inspection and related activities, in addition to his present duties.

Regional Planning and Development Control in the Unincorporated Areas of the Region

The Regional Planner would report to the Regional Engineer-Manager and be responsible for the monitoring of the St. John's Urban Region Regional Plan and for local planning and development control in the local service areas and in the otherwise unincorporated areas of the Region. He would be assisted by the Planning Technician and one (1) Development Officer and receive advice and guidance from the Planning Advisory Committee. This Committee will have municipal, regional and provincial representation.

RECOMMENDATION 4.3

IT IS RECOMMENDED THAT THE EXISTING POSITION OF TOWN PLANNER BE RECLASSIFIED TO REGIONAL PLANNER REPORTING TO THE REGIONAL ENGINEER - MANAGER.

General Administration and Financial Control

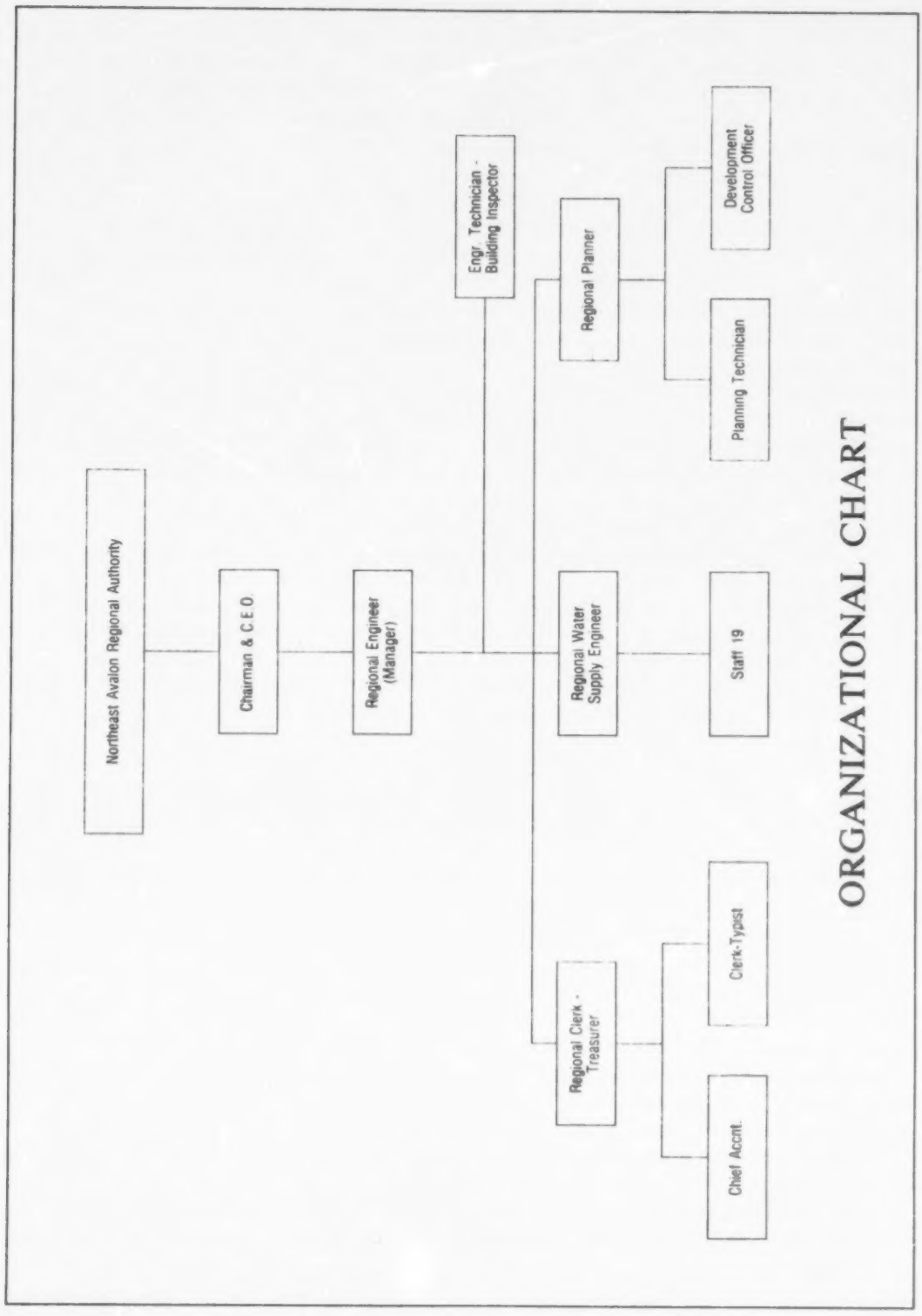
The Town Clerk will assume the duties of Regional Clerk Treasurer and will report to the Regional Engineer - Manager. She will be responsible for record keeping and safekeeping of all documents of the Regional authority, and for financial management and clerical functions. The Chief Accountant and one (1) clerk-typist will report to the Regional Clerk. Every effort should be made to keep the administrational staff and general expenses to a level consistent with workload and responsibilities.

RECOMMENDATION 4.4

IT IS RECOMMENDED THAT THE POSITION OF TOWN CLERK BE RECLASSIFIED TO REGIONAL CLERK - TREASURER, REPORTING TO THE REGIONAL ENGINEER - MANAGER.

FUTURE REGIONAL ROLES AND FUNCTIONS

As stated earlier in this chapter the Regional Authority, may at some time in the future, assume additional operational roles in regional servicing and undertake other responsibilities. For the immediate future, its primary operational role will be the management of the Bay Bulls - Big Pond Regional Water Supply System. It is conceivable that it will, in time, assume operational roles in the provision of regional sanitary services and be responsible for regional emergency services. As well it may become involved in the provision of services and the performance of certain specific municipal functions by agreement with municipalities requiring them. Other functions which are presently performed directly by the Province could be assigned to the Authority. Such roles should not be considered until the Regional Authority is well established and organized to undertake these additional functions. Further roles should be determined on the basis of established need and after determination of the most cost-efficient means of delivery following full consultation with the municipalities in the region. If additional roles are undertaken in the future, a review of organization and staffing should be undertaken. However, care should be exercised to ensure that the Authority does not undertake roles which could be better handled by other bodies; and that staffing and overhead costs are kept to a reasonable level.


ORGANIZATIONAL CHART
Northeast Avalon Regional Authority
Chairman & C E O
Regional Engineer (Manager)
Engr. Technician - Building Inspector
Regional Planner
Development Control Officer
Planning Technician
Regional Water Supply Engineer
Staff 19
Regional Clerk - Treasurer
Clerk-Typist
Chief Accnt.

FUNDING THE REGIONAL AUTHORITY

The Commission has not determined a detailed expenditure and revenue budget for operation of the Regional Authority in 1988. However, based on the examination of the St. John's Metropolitan Area Board's 1987 figures and supplementary information provided by the Board. The Commission is satisfied that it can make reasonably accurate general estimates.

The Board's total estimated expenditure in 1987 is $3,735,382. This is comprised of $1,912,236 for the regional water supply and $1,823,146 for local government administration. The Commission concludes that the total expenditure for the proposed new Regional Authority in 1988 will be $2,750,000. Of this amount $2,000,000 will be for the operation of the regional water supply and $750,000 for local government administration and regional planning and development control.

The Regional Water Supply System, and any similar regional services, will be operated on a cost recovery basis from the user municipalities. It should be noted that in addition to providing an allowance — $225,000 in 1987 — to offset general overhead, the regional water supply contributes to a capital equipment replacement fund currently valued at $601,350.

Although it is a decrease of approximately $1,000,000 from the Metro Board's 1987 budget, the $750,000 expenditure estimate for local government and general administration for 1988 might appear to be high. It should be realized that, while its local government role will be smaller than that of the existing St. John's Metropolitan Area Board, the Regional Authority will have added responsibilities and a broader regional role. In addition to its local government and development control functions, the Regional Authority will have an increased role in regional matters, especially servicing. As well it will monitor the St. John's Urban Region Regional Plan on behalf of the Province. The Authority will be required to do research and undertake studies. Much of this information will be useful to municipalities in the region. In a sense the Authority would be a resource centre in such matters. A most important and essential function would be funding of regional services and the administration associated with it and regional servicing in general. In particular, the general administration budget includes all costs associated with general administration of the Regional Water System. This would include most clerical functions, accounting, billing, payroll and personnel matters. Clearly, the Regional Authority must be given not only the necessary powers and responsibilities, but also the resources to carry out its mandate.

To offset the costs of local government administration the revenues derived from property taxes and fees collected from the areas of the region under the Authorities direct jurisdiction, would be supplemented by provincial statutory grants, including the Regional Incentive Grant. The Authority would continue the existing arrangement whereby the Regional Water System and any such future systems would be expected to contribute to the general overhead. Since it would not be permitted to impose taxes within existing municipalities or to apply a general assessment throughout the region, any deficit incurred would have to be offset by the Provincial Regional Incentive Grant. However, since the St. John's Metropolitan Area Board will have an accumulated surplus in the order of $400,000 at the end of the current year, the Regional Incentive Grant will not be required immediately.

Based on the information available, the Commission concludes that the total general administrative expenditure for the first year of operation will be $750,000. Total revenues will be $631,500, therefore a deficit of $118,500 will result. It is anticipated that the accumulated surplus can offset any deficit incurred over the next two to three years. By that time it is likely the Authority will be involved in additional regional activities which will be able to support a greater share of the general overhead. In any event, the percentage of deficit is not expected to increase in future years, and can be offset by the Regional Incentive Grant. That grant can be adjusted to recognize the Authority's involvement in provincial matters and the savings which would accrue to the Province because of that involvement. Also well coordinated regional servicing will save money for the Province.

It should be noted that if implementation of the proposal is delayed beyond the beginning of 1988, it would have significant financial implications. It would mean that the St. John's Metropolitan Area Board would continue into the new year with its existing responsibilities and current expenditure and deficit levels. It is important that any boundary changes become effective at the earliest possible date, preferably on January 1, 1988 and that the creation of the Regional Authority be simultaneous or very soon thereafter. If there is a substantial delay between implementation of the boundary changes and the establishment of the Authority, Metro Board would have to continue to absorb the costs associated with its present staff and overhead. That would eat into the accumulated surplus and as a result the Regional Incentive Grant would have to be available earlier with an added cost to the Province.

FUNDING OF CAPITAL PROJECTS

The Regional Authority would receive grants and subsidies from the Federal and Provincial Governments from time to time and any other financial assistance generally available to municipalities including the power to borrow in accordance with *The Municipalities Act.* In addition, the Province should be prepared to sit down with the Regional Authority and collectively determine the region's needs and how they can be addressed. Benifiting municipalities would also be required to contribute.

BUDGET PROJECTIONS

The financial statements and estimates included in the Report are not intended for any purpose except to provide guidance and to indicate the basis for the Commission's conclusions. They do indicate that the Regional Authority can be operated without undue burden on the municipalities or the Province.

The new Regional Authority would be expected to undertake detailed studies to determine its realistic requirements and costs, and the most cost-efficient organizational structure. Due attention should be addressed to reducing overhead costs as obviously costs associated with the present operation are too high and cannot be sustained under a revised mandate.

To see the Statement of Revenue and Expenditure for the first year of operation of the Regional Authority see the following:

THE NORTHEAST REGIONAL AUTHORITY

Statement of Revenue
For Year 1

General Administration and Local Government

Property Tax — 4 mills		
605 Residential Units		
31 Commercial Units	96,000	
Business Tax — 21 mills	240,000	336,000
Government Grants (a)		
Population	12,000	
Social Assistance	—	
Roads	—	
Tax Incentive	43,500	55,500
Licences & Permits	5,000	
Interest Accounts Receivable	5,000	
Interest on Deposits	5,000	15,000
Regional Water System (b)		225,000
Total Revenue		631,500
Total Expenditure		750,000
Estimated Deficit (c)		118,500

THE NORTHEAST REGIONAL AUTHORITY

Statement of Expenditure
For Year 1

EXPENDITURE

Administration	
Salaries (d)	$ 183,520
Benefits (e)	43,264
Office Expenses (f)	88,500
Stationery and Supplies	6,000
Education and Promotion (g)	9,670
Advertising	500
Legal and Professional (h)	10,000
Financial charges	1,500
Miscellaneous	3,000
Total Administration	$ 345,954
Engineering	
Salaries (i)	$ 78,000
Supplies	500
Advertising	1,000
Consulting	10,000
Legal	2,000
Vehicle Expense (j)	7,000
Automobile Insurance	5,000
Fire and Liability Insurance	10,000
Total Engineering	$ 113,500
Planning and Development	
Salaries (k)	$ 101,500
Supplies	4,000
Advertising	1,000
Consultant Fees	10,000
Legal	2,000
Reproduction	1,000
Regional Appeal Board	1,000
Total Planning and Development	$120,500

(Cont'd)

THE NORTHEAST REGIONAL AUTHORITY

Statement of Expenditure
For Year 1

EXPENDITURE (Cont'd)

Local Government Administration (1)	
Assessment Expenses	$ 5,000
Provision for Bad Debts (m)	75,000
Fire Protection	18,150
Street Lighting	18,000
Animal Control	500
Annual Clean-Up	3,000
Garbage Collection	20,000
Sanitary Land Fill	8,000
Recreation	5,000
Local Board	1,000
Total Local Government Administration	$ 153,650
Total Expenditure	$ 773,604
Contingency	16,396
Total	750,000
Recap	
Total Administration	$ 345,954
Engineering	113,500
Planning and Development	120,500
Local Government Administration	153,650
TOTAL	$733,604
Plus contingency	$ 16,396
TOTAL EXPENDITURE	$750,000

Notes to the Financial Statements

a. Regional Incentive Grant is not considered in year 1, since the accumulated surplus is available.

b. This is a contribution to general overhead and to cover costs incurred directly in the administration of the Regional Water Supply System. That system is operated on a fee for service cast recovery basis, with an estimated budget for 1988 of $2,000,000.

c. Accumulated surplus will offset the deficit.

d. Chairman
Regional Clerk — Treasurer
Chief Accountant
Clerk Typist — Receptionist

Salaries include an allowance for renumeration and expenses of the members of the Authority.

e. BENEFITS

UIC	$907 per employee
CPP	419 per employee
Group Insurance	750 per employee
Pension	6% gross salary
Workers' Compensation	$2.00 per $100 payroll
Severance	Estimate

f. Office Expense includes rent, heat, telephone, taxes, photocopier, postage.
Rent is based on $15.00 per sq. ft. for 2500 sq. ft.

g. Staff education, promotion, conferences, memberships and subscriptions.

h. Includes legal, audit, computer services.

i. Engineering and one Engineering Technician.

j. Operation and Maintenace 3 vehicles.

k. Regional Planner, Planning Technician, (one) Development Officer.

l. Services provided to communities — Local Service Areas.

m. This is based on past experience.

Chapter V

RESOURCE LANDS

The St. John's Urban Region Regional Plan identifies various resource lands including those identified for agriculture, watersheds, mineral works including quarries, and forestry. The Commission has specifically addressed the issues concerning agricultural lands and watersheds as they are largely regional concerns. Mineral works, forestry and other resource lands have not been discussed. It is intended that these remain under their current administration which appear to be adequate.

AGRICULTURAL LANDS

Since 1973 there have been designated agricultural lands in the area now known as the St. John's Urban Region.

On July 28, 1978, an Order was gazetted creating agricultural development areas in the then newly created St. John's Urban Region.[1] These areas were designated pursuant to *The Development Areas (Lands) Act.*[2] They are technically known as the agricultural zones or, commonly as, the "land freeze".

The public perception that these lands are frozen is understandable, but inaccurate. Lands within the agricultural zones are regulated and, generally, can only be used for agricultural or related enterprises. Non-agricultural development may, in certain circumstances, be permitted but only where there is minimal agricultural impact from the proposed development.[3]

The perception that the lands are frozen has arisen primarily because subdivision of the lands for residential purposes seldom meets the requirement that there be minimum agricultural impact. Once residential development occurs, those lands are effectively denuded of any future agricultural potential. The same is undoubtedly true of most commercial and industrial development of the lands. These lands are not frozen. However, the use of agricultural land is restricted, as is the use of all of the land within the St. John's Urban Region as a result of municipal and regional zoning enactments.

As part of its mandate, this Commission must determine what is to be done with those lands currently under the jurisdiction of the St. John's Metropolitan Area Board. In determining who shall have jurisdiction over those lands, many factors have been taken into account. With respect to agricultural lands in particular, this Commission has concluded that, insofar as reasonably practicable, agricultural lands shall remain outside of municipal boundaries. Our research indicates that the economic, industrial and residential aspirations of municipal councils and their constituents are seldom consistent with the preservation of agricultural land and the expansion of agricultural enterprises.

In the course of the public hearings, the Commission heard from both municipal councils and farming representatives with respect to agricultural lands. With one exception, namely, the Town of Torbay, any municipality which focussed on agricultural issues favoured the deletion, of some or all of the agricultural land within its boundaries, from the agricultural zone. Farmers residing in or near municipalities, on the other hand, felt threatened by, among other things, encroaching residential development and by an increasing commercial tax burden in many areas.

Since the agricultural development areas were first created in 1978, there has been continuous pressure upon the authorities from various interest groups to have lands removed from these zones. Their success rate can best be illustrated by reference to statistics.

The agricultural development areas created in the St. John's Urban Region in 1978 included 54,798 acres of land distributed as follows:

1.	St. Phillips - Torbay - Shoe Cove Area	18,456 acres
2.	Goulds - Kilbride - Mount Pearl Area	25,359 acres
3.	St. Thomas Area	652 acres
4.	Manuels River Area	4,245 acres
5.	Seal Cove - Foxtrap Area	6,086 acres
	TOTAL	54,789 acres[4]

In the period July 28, 1978 to March 20, 1987, deletions from the zones amount to 7,022 acres or 12.81 percent of the agricultural development areas existing at the beginning of the period.[5] Map A shows the total areas originally included in 1973 and the areas deleted up to and including March 20, 1987. In fact, further areas in the Flatrock area were deleted, effective June 26, 1987 as part of a departmental review of agricultural potential in the St. John's Urban Region.[6] This Commission understands that the departmental review of agricultural lands in the Region will be completed by late 1987 or early 1988.[7] It is anticipated that after this review any lands which should be deleted from the zones will have been deleted.

One cannot escape the conclusion that there is a correlation between the incorporation of municipal bodies and pressure to remove lands from the agricultural zones. For example, the Town of St. Phillips was incorporated in 1977. In 1978 ALL lands within its boundaries designated agricultural were removed from the zones.[8] Similarly, in the Town of Flatrock, incorporated in 1975, large portions of the lands designated agricultural at the time of incorporation, were removed from the zone in 1978.[9] Further deletions were made in Flatrock in 1987.[10] Furthermore, at the Commission's public hearings, the Town of Flatrock submitted that all the lands designated agricultural within its boundaries should be removed from the zone.

The Town of Logy Bay - Middle Cove - Outer Cove was incorporated September 1, 1986, after public hearings at which the residents indicated that they wanted to have their own municipal council in order to preserve the rural nature of the area. Much of the land in the municipality is in the agricultural zone. Within less than a year, the Town of Logy Bay - Middle Cove - Outer Cove appeared before this Commission and advised that they are seeking to have substantial areas of land excluded from the zone.

This Commission is not criticizing municipal councils for their position respecting agricultural lands. The Commission fully understands that in many municipalities agricultural lands are viewed as a liability rather than an asset. Agricultural lands are exempted from property tax. Servicing agricultural areas is expensive because of low density. Land owners would rather be able to subdivide their lands and sell for more lucrative residential development which, ultimately, generates greater tax revenue. The purpose of our illustrations is to show why the Commission believes that high priority agricultural land should, as far as possible, remain outside municipal boundaries and within the jurisdiction of the Regional Authority.

Little has been made of the importance of a healthy agricultural industry in Newfoundland, both from the point of view of security of supply for Newfoundland and Labrador in the future, and from the point of view of ensuring that sufficient quantities of fresh milk, meats and vegetables are available at a reasonable price. Anyone who has visited a grocery store in Labrador is quickly aware of the premium paid for fresh dairy and other products in an area where little is produced locally. The preservation of good agricultural land in Newfoundland and the promotion of agriculture is therefore a question of social policy which affects the quality of life of all residents of the region.

Of the 651 farms in the Province recorded in the 1986 Census of Agriculture, 50.5% or 329 farms are located on the Avalon Peninsula. Twenty-one percent of the Province's farms are located in the St. John's Census Metropolitan Area.[11]

Newfoundland produces 100% of the eggs consumed in the Province and produces 50-60% of all chicken consumed in the Province. In 1986, 26% of turkey production, and 7% of the total poultry and egg production in the Province came from farms in the St. John's Census Metropolitan Area.[12]

In 1985, 57% of the milk consumed in Newfoundland was produced in Newfoundland. In 1986, 59% of the Province's dairy production occurred in the St. John's Census Metropolitan Area. In other words, approximately one third of all milk consumed in Newfoundland is produced in this region.[13]

The economic impact of the agricultural industry in the region is also worthy of comment. Farms in the St. John's Urban Region provided 8,344 weeks of employment in 1986 of which 5,910 weeks were for year round employment. Wages paid to farm workers in 1986 amounted to $2.5 million. In addition, $6,651.120.00 was paid in 1986 to workers in other jobs directly related to agriculture, i.e. processing and other operations.[14]

RECOMMENDATION 5.1

IT IS RECOMMENDED THAT, SUBJECT TO CERTAIN LIMITED EXCEPTIONS WHICH WILL BE DISCUSSED INFRA, ALL AGRICULTURAL LAND NOW WITHIN THE JURISDICTION OF THE ST. JOHN'S METROPOLITAN AREA BOARD AND CURRENTLY WITHIN THE ST. JOHN'S URBAN REGION AGRICULTURAL DEVELOPMENT AREA, AND ANY OTHER LANDS UNDER THE JURISDICTION OF THE ST. JOHN'S METROPOLITAN AREA BOARD PRESENTLY DESIGNATED BY THE DEPARTMENT OF RURAL, AGRICULTURAL AND NORTHERN AFFAIRS AS FUTURE AGRICULTURAL DEVELOPMENT AREAS, BE UNDER THE MANAGEMENT AND CONTROL AND WITHIN THE JURISDICTION OF THE REGIONAL AUTHORITY AND NOT BE INCLUDED WITHIN THE MUNICIPAL BOUNDARIES OF OTHER MUNICIPALITIES IN THE REGION.

The continuous review process illustrated above and in Map A is unsettling to farmers wishing to expand their operations. They do not know from week to week whether neighbouring, unused, agricultural land will be available for development at a reasonable price or whether it will be out of the zone altogether. Municipalities cannot reasonably plan near agricultural areas as there is little certainty with respect to the continuation of the zones, especially along their outer boundaries. In addition, considerable energy and manpower at all levels is continually devoted to evaluating requests for deletions from the zones. The Com-

mission feels that this continual process is uneconomic and contributes to a great deal of uncertainty respecting the agricultural zone, both inside and outside of the agricultural community.

RECOMMENDATION 5.2

IT IS THEREFORE RECOMMENDED THAT GOVERNMENT ADOPT A POLICY OF REVIEWING THE AGRICULTURAL DEVELOPMENT AREAS AT 10 YEAR INTERVALS, WITH THE FIRST SUCH INTERVAL IN THIS REGION TO COMMENCE UPON THE COMPLETION OF THE PRESENT REVIEW OF AGRICULTURAL ZONES IN THIS REGION, SCHEDULED TO BE COMPLETED LATE IN 1987 OR EARLY IN 1988.

From a practical point of view, certain relatively small areas of land within the agricultural zones are so isolated from the bulk of the other lands in the Region's agricultural development areas or, alternatively, are so integrated with urbanized areas presently under the jurisdiction of the St. John's Metropolitan Area Board, that the Commission has deemed it necessary to consider treating these areas differently from the bulk of the agricultural land referred to in Recommendation 5.1.

The areas which the Commission considers should be treated as exceptions to the general rule enunciated in Recommendation 5.1 are:

1. the portions of agricultural land on the Conception Bay side of the Trans Canada Highway and adjacent to the Town of Conception Bay South (the "Conception Bay Agricultural Lands");
2. the portion of agricultural land located off the Old Broad Cove Road and adjacent to the town boundaries of the Towns of Portugal Cove and St. Phillips (the "Old Broad Cove Road Agricultural Lands");
3. a very small portion of the agricultural land in the Windsor Heights area (the "Windsor Heights Agricultural Land").

Boundary changes are recommended later in this Report. These changes would result in the inclusion of some or all of these agricultural areas within municipal boundaries. As already discussed, the Commission does not favour expanding town boundaries to include agricultural land. The Commission wishes to make it perfectly clear that boundary changes involving agricultural lands are recommended only if certain terms and conditions set forth later in this Section are met. First of all, however, the Commission wishes to set forth its reasons for excepting from the application of Recommendation 5.1, the Conception Bay, Old Broad Cove Road and the small portion of the Windsor Heights agricultural lands.

Conception Bay Agricultural Lands

The Conception Bay Agricultural Lands comprise two parcels. One parcel is adjacent to the boundary of the Town of Conception Bay South in the Foxtrap/Kelligrews area. The second parcel is located outside that town in the Topsail Pond-Three Island Pond area. They are shown on Map A. (see map envelope)

The Foxtrap/Kelligrews portion of the Conception Bay agricultural lands is on the Foxtrap Access Road and forms a very small pocket of agricultural land, a large portion of which is already within the Town of Conception Bay South. The cost to that town of servicing the

area currently outside the town, with those services provided to residents of that agricultural area who are inside the town boundary, would be relatively small. The cost to the Regional Authority of servicing that area alone would be high. It is therefore not feasible to leave this area under the jurisdiction of the Regional Authority.

The only access to the Topsail Pond - Three Island Pond agricultural zone is through either the Town of Conception Bay South or the Town of Paradise. The other portion, insofar as it is developed, could only be serviced by travelling through existing municipalities. Most of the area close to the Trans Canada Highway is as yet undeveloped. The area is, in addition, not a high priority area for agriculture in the opinion of the Department of Rural, Agricultural and Northern Affairs. Given the cost to the Regional Authority of servicing this area relative to its agricultural contribution, the Commission is ofthe opinion that it is not feasible to have this area under the jurisdiction of the Regional Authority.

The Old Broad Cove Road Agricultural Lands

Another area which concerns this Commission is the agricultural zone located off the Old Broad Cove Road and adjacent to the Town of Portugal Cove and the Town of St. Phillips. While the area is in close proximity to the large Windsor Heights agricultural area, it is geographically separated by Portugal Cove Road, some watershed areas and Windsor Lake. In addition, this pocket of agricultural land is part of a much larger agricultural development area which is already inside the boundaries of the Town of Portugal Cove.

This area in question also dissects the residential development in the area. It lies directly between the Town of Portugal Cove and the permitted residential development on the south side of Old Broad Cove Road.

Later in this report, the Commission deals with expanding the town boundary of the Town of Portugal Cove to include the residential area on the southern side of Old Broad Cove Road. In light of this conclusion and in light of the fact that a large portion of this agricultural zone in question is already in the Town of Portugal Cove, the Commission is of the opinion that it is not practicable to exclude this area from the Town of Portugal Cove. The feasibility criteria for the boundary change shall be dealt with in Chapter VI.

Windsor Heights Agricultural Land

Nestled between the Windsor Lake watershed area and the Windsor Heights agricultural development area is the tiny Windsor Heights subdivision. It is in close proximity to the Town of Portugal Cove. It contains reasonably high density residential development both inside and outside the agricultural zone. The only true access to the area is from Portugal Cove Road.

The bulk of the homes in the Windsor Heights subdivision are outside the agricultural zone. However, a small cluster of residences are located within the zone at the northeast end of the subdivision.

The Commission feels that all of the residents of the Windsor Heights subdivision ought to become part of the Town of Portugal Cove. This is dealt with more fully in Chapter VI.

In these circumstances, the Commission is prepared to recommend that a very small portion of agricultural land be added to the Town of Portugal Cove in order to accomplish the objective of including all Windsor Heights residents in that town.

Terms and Conditions

As earlier stated, this Commission is prepared to recommend the expansion of town boundaries to include the Conception Bay agricultural lands, the Old Broad Cove Road agricultural lands and a very small portion of the Windsor Heights agricultural land provided that certain terms and conditions are met.

The Commission has already dealt with the problems experienced and pressures applied when agricultural land is within municipal boundaries. Good agricultural land in this Province is scarce. That which Newfoundlanders regard as good would seldom be similarly rated in other provinces. It is, however, the best that we have and therefore requires protection.

This Commission attaches two conditions to the expansion of any municipal boundaries to include agricultural land. The first condition is that Government adopt a policy of reviewing agricultural development areas at 10 year intervals. This is discussed in connection with Recommendation 5.2. The second condition is related to taxation.

The taxation of agricultural land and of agricultural enterprises has confounded many. Land within the St. John's Urban Region agricultural development areas is not subject to property tax. Only that portion of the lands associated with a residence can be charged a property tax. As for other residences in a municipality, tax is based on the assessed value of the building and its lot. That aspect is straightforward and the Commission takes no issue with it.

The large majority of municipalities in the region charge property taxes. Government has encouraged this and has provided incentives to municipalities to encourage the imposition of property taxes. However, any municipality which charges property taxes must, if it wishes to impose a business tax, base such tax on the assessed value of the land upon which the business is situated.

It is this provision which, in the case of agricultural land, creates an absurdity. A municipality cannot impose a property tax based upon the assessed value of the agricultural lands and buildings but, in most cases, in order to assess business taxes on the farming operations, one must base the business tax on the assessed value of the lands. The net result is that an owner of productive agricultural land who leases it to a farmer pays no tax. The farmer, on the other hand, pays a business tax based on the assessed value of the landlord's exempt property.

In the Town of Goulds, for example, a business tax of 8.5 mills is assessed on farm buildings and property. This bears no relation to revenues generated by the farm enterprise and does not reflect the cyclical nature of farming. Given that Government has seen fit to make special provisions for agricultural land with respect to property taxes, it would appear that a consistent treatment of business taxes should be implemented. That is not to say that farming enterprises should be exempted from business taxes altogether. Rather, it is the view

of this Commission that business taxes on farming enterprises should be based upon the same criteria as business taxes are in municipalities where no property tax is assessed, i.e., as a percentage of the gross revenue of business done by that farming enterprise.

RECOMMENDATION 5.3

IT IS RECOMMENDED THAT THE CONCEPTION BAY AGRICULTURAL LANDS, THE OLD BROAD COVE ROAD AGRICULTURAL LANDS AND A VERY SMALL PORTION OF THE WINDSOR HEIGHTS AGRICULTURAL LANDS BE INCLUDED WITHIN THE BOUNDARIES OF THE MUNICIPALITIES INDICATED IN CHAPTER VI SUBJECT HOWEVER TO THE CONDITION THAT:

1. A POLICY IS ADOPTED BY GOVERNMENT OF REVIEWING AGRICULTURAL ZONES ONLY AT 10 YEAR INTERVALS; AND
2. NECESSARY LEGISLATIVE AND REGULATORY CHANGES ARE MADE SO THAT THE MUNICIPALITIES ACQUIRING JURISDICTION OVER THE AFORESAID LANDS CANNOT IMPOSE ON FARMING ENTERPRISES THEREIN BUSINESS TAXES BASED UPON THE ASSESSED VALUE OF THE LAND AND MUST ASSESS BUSINESS TAXES ON FARMING ENTERPRISES, IF ANY, AS A PERCENTAGE OF GROSS REVENUE FROM THE BUSINESS.

There is one further matter in relation to taxation which this Commission deems noteworthy although it is, in fact, incidental to this Report.

Farm representatives have complained to this Commission that the present taxation scheme provides no incentive to owners of farmland who do not wish to farm it themselves, to lease or sell those lands to others who are willing to put it into production for agriculture. Since these non-producing agricultural lands are exempt from property taxation, there is no cost to a landowner who wishes to hold onto the land in the hope that it is eventually deleted from the agricultural classification. This would appear to be contrary to the spirit of the exemption from property tax. This Commission urges Government to look atalternative strategies for encouraging such land owners to keep the land in production, whether by themselves or by leasing or renting the land to others for agriculture.

The Commission has also noted that, in some cases, municipal boundaries extend well beyond the populated areas of the towns in question and include agricultural land that has no value to a municipality from a tax standpoint, and yet is often expensive to service.

The Commission is not prepared to recommend that these areas be deleted from the towns in question. However, the Commission urges Government and the town councils to explore any and all alternatives which might lessen the obvious conflicts of interest respecting urban and rural coexistence within existing municipalities.

Regulatory Scheme

This Commission has reviewed the regulatory scheme created by the St. John's Urban Region (Agriculture) Development Area Regulations, 1986.

This scheme requires that all applications for development or subdivision of lands within the Region's agricultural development area must be submitted to an agricultural authority, generally comprised of a representative of the Agricultural Branch of the Department of Rural,

Agricultural and Northern Development as Chairman, a second representative of that department and representatives of each of the Department of Forest Resources and Lands, the Department of Municipal Affairs and the public.

All applications for development in agricultural development areas whether within or outside municipal boundaries are presently made to the Agricultural Authority. Only if that Authority approves the development, can the development proceed. In addition, a municipality must subsequently approve such development as long as it conforms to the appropriate regulatory provisions and to the municipal plan.

Given the technical criteria to be applied in approving development in agricultural zones, the Commission does not recommend any changes to the procedures outlined in the St. John's Urban Region (Agriculture) Development Area Regulations, 1986. However, these regulations will need to be amended by deleting references to St. John's Metropolitan Area Board and substituting therefore Northeast Avalon Regional Authority.

RECOMMENDATION 5.4

IT IS RECOMMENDED THAT THE ST. JOHN'S URBAN REGION (AGRICULTURE) DEVELOPMENT AREA REGULATIONS, 1986 BE AMENDED BY DELETING ALL REFERENCES THEREIN TO ST. JOHN'S METROPOLITAN AREA BOARD AND SUBSTITUTING THEREFORE NORTHEAST AVALON REGIONAL AUTHORITY.

WATERSHED AREAS

A number of watersheds in the St. John's Urban Region have been designated as protected watersheds. They are as follows:

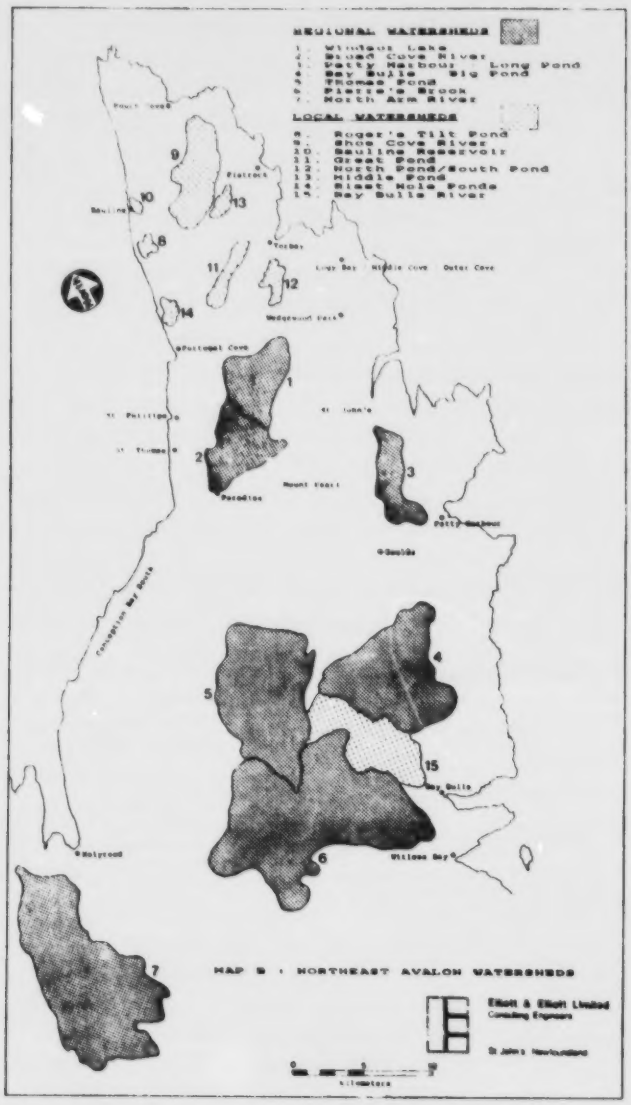
1. Windsor Lake
2. Broad Cove
3. Petty Harbour/Long Pond
4. Bay Bulls Big Pond
5. Pierre's Brook
6. Thomas Pond
7. North Arm River
8. Rogers Tilt Pond
9. Shoe Cove River
10. Bauline Reservoir
11. Great Pond
12. North Pond
13. South Pond
14. Middle Pond
15. Bay Bulls River
16. Blast Hole Ponds

These watershed areas can be divided into two categories: regional sources and purely local sources as indicated on Map B.

The regional source watersheds, i.e. those that are presently in use on a regional basis and those identified as future regional sources of water are:

1. Windsor Lake
2. Broad Cove
3. Petty Harbour Long Pond
4. Bay Bulls Big Pond
5. Pierre's Brook
6. Thomas Pond
7. North Arm River

Rogers Tilt Pond is a future source for Bauline and the Bauline Reservoir is an interim source for Bauline.



All other watersheds are purely local and service or potentially service existing municipalities. They are generally wholly within the municipal boundaries of the town they service. The Shoe Cove River Watershed services the Town of Pouch Cove. North Pond Watershed is the current source of water for the Town of Torbay and both the Great Pond and South Pond Watersheds are identified as future water sources for that town. Middle (Medalsis) Pond Watershed is the current souce for the Town of Flatrock. Blast Hole Ponds Watershed is the future source for Portugal Cove and the Bay Bulls River Watershed currently serves the fish plant in Bay Bulls. It is also a possible future source of water for that town.

In September, 1987, Acres International Limited submitted its final report to the Department of Environment on the regional water sources and needs of the Eastern Avalon Peninsula.[15] The study analyses the present and future water needs of the region both on a regional and a local basis.[16]

The end result is that the Acres Report confirms the regional sources which we have identified in this section and supports our conclusions with respect to those water supplies which we have identified as purely local.

Within the regional water system provided from Bay Bulls Big Pond, Petty Harbour/Long Pond and Windsor Lake the protected watersheds of Windsor Lake, Broad Cove, Petty Harbour/Long Pond and Bay Bulls Big Pond are presently in use. The Thomas Pond, Pierre's Brook and North Arm River Watersheds are identified as future sources of water for the region.[17]

All three are identified as having potential to be connected to the regional system. However, the Acres Report does recommend that a more thorough evaluation of the North Arm River Watershed and its potential use as part of the regional water supply is necessary.[18]

The Bay Bulls Big Pond, Thomas Pond and Pierre's Brook Watersheds are presently within the exclusive jurisdiction of the St. John's Metropolitan Area Board as are the more local Bauline Reservoir and Rogers Tilt Pond Watersheds.

St. John's Metropolitan Area Board, Town of Paradise, Portugal Cove and the Town of Petty Harbour share jurisdiction with the City of St. John's over portions of the Windsor Lake, Broad Cove - River and Petty Harbour Long Pond Watersheds.

The Town of Holyrood presently has exclusive jurisdiction over the portion of the North Arm River Watershed which is within the St. John's Urban Region. Part of that watershed is completely outside the region.

There has been concern expressed in the past that local authorities responsible for overseeing development in and around the watersheds of current and future sources of water have not been exercising proper care to see that the quality of water is not impaired.

"Despite an abundant water supply, it is now recognized that water as a resource can no longer sustain any waste or mismanagement without adversely affecting the economy. With the increase in population and economic development, the water use pattern has significantly changed from single purpose use to multipurpose use and from abundance to limited supply situations, especially in and around population centres."[19]

It appears to be generally accepted that most development in watershed areas is inconsistent with the preservation of a good supply of drinking water.[20] Some degradation of the regional sources of water has already occurred due to urban development. The importance of providing and maintaining a secure supply of potable water to meet present and future needs cannot be overstated. The protection of present and future water resources is inextricably linked to the land use in watershed areas. The existing regional water supply is just adequate to meet projected demand for the next 25 years.[22]

Bay Bulls Big Pond/Pierre's Brook/Thomas Pond Watersheds

The towns of Mount Pearl, Goulds, Paradise, and Conception Bay South, the City of St. John's and the St. John's Metropolitan Area Board presently avail of water from the Bay Bulls Big Pond Watershed and have an interest in the preservation of the Pierre's Brook and Thomas Pond Watersheds for future water supply. The Towns of Witless Bay and Bay Bulls also have an interest in the Pierre's Brook Watershed as a future water source. These watersheds are presently under the jurisdiction of the St. John's Metropolitan Area Board.

The Commission is of the view that all municipalities presently using this regional water supply and those municipalities likely to have a demand for water therefrom in the future should have a role in the management of the resource. This can best be accomplished through the representation of the Northeast Avalon Regional Authority.

RECOMMENDATION 5.5

IT IS RECOMMENDED THAT THE BAY BULLS BIG POND, THOMAS POND AND PIERRE'S BROOK PROTECTED WATERSHEDS BE UNDER THE EXCLUSIVE JURISDICTION OF THE NORTHEAST AVALON REGIONAL AUTHORITY SUBJECT TO PROVINCIAL REGULATION.

Windsor Lake/Broad Cove River Watersheds

The City of St. John's and the Town of Wedgewood Park presently use water from the Windsor Lake and Broad Cove River Watershed areas. Those areas are largely within the jurisdiction of the St. John's Metropolitan Area Board but the City of St. John's has some jurisdiction over development pursuant to sections 118 and 120 of *The City of St. John's Act.* George's Pond on Signal Hill is another emergency source for the system and is covered by *The City of St. John's Act,* as is Petty Harbour/Long Pond and its watershed.

A study of future water sources for the Town of Torbay has already recommended a connection to the Windsor Lake/Broad Cove Water supply as the most economic means of resolving future water shortage problems. Similarly it is envisioned that the Town of Portugal Cove and the Town of Logy Bay - Middle Cove - Outer Cove will connect to that source of supply, rendering the Windsor Lake system a truly regional water supply.

The present jurisdictional arrangement respecting the Windsor Lake and Broad Cove River Watersheds gives dual control to the City of St. John's and the St. John's Metropolitan Area Board even though the lands are within the boundaries of Metro Board. This may be acceptable while the system serves primarily as a St. John's water source and serves a secondary role as a supply for Wedgewood Park. However, that regime cannot be rationalized for the future if and when other municipalities link into the system. At that time all user municipalities should have some input through the Northeast Avalon Regional Authority.

RECOMMENDATION 5.6

IT IS RECOMMENDED THAT JURISDICTION OVER THE WINDSOR LAKE BROAD COVE RIVER WATERSHED AREAS WHICH ARE PRESENTLY UNDER THE JURISDICTION OF THE ST. JOHN'S METROPOLITAN AREA BOARD REST IN THE NORTHEAST AVALON REGIONAL AUTHORITY. THE CITY OF ST. JOHN'S MAY CONTINUE ITS PRESENT CONTROLS UNTIL OTHER MUNICIPALITIES CONNECT TO THAT WATER SUPPLY, WHEN EXCLUSIVE AUTHORITY WILL REST IN THE REGIONAL AUTHORITY. HOWEVER, IF GOVERNMENT ELECTS TO TRANSFER MANAGEMENT AND OPERATION OF THE WINDSOR LAKE WATER SYSTEM TO THE REGIONAL AUTHORITY NOW, EXCLUSIVE JURISDICTION OVER THE WATERSHED AREAS AND THE SUPPLY SYSTEM SHOULD BE GIVEN TO THE REGIONAL AUTHORITY AT THE SAME TIME.

Petty Harbour/Long Pond Watershed Area

The water supply from this watershed area augments the St. John's water supply system from the Windsor Lake area. The Town of Petty Harbour - Maddox Cove also utilizes water from two ponds with the protected area, namely, Beer Pond and First Pond. The area is presently largely within the jurisdiction of the St. John's Metropolitan Area Board although the City of St. John's exercises control as it does for the Windsor Lake and Broad Cove River Watersheds. As a supplementary water source to the Windsor Lake system, the same criteria applies with respect to future jurisdictional control. The area should eventually be within the exclusive jurisdiction of the Regional Authority.

RECOMMENDATION 5.7

IT IS RECOMMENDED THAT JURISDICTION OVER THE PETTY HARBOUR LONG POND WATERSHED LANDS BE THE SAME AS THE JURISDICTION OVER THE WINDSOR LAKE AND BROAD COVE WATERSHED AREAS AS DESCRIBED IN RECOMMENDATION 5.6.

North Arm Watershed

The North Arm River Watershed has been identified as a future source of water for regional use.[24] No detailed studies have been done to date on this watershed. However, the disadvantages of the watershed appear to be its low elevation and distance from population centres.[25] This is confirmed by a consultant's report to this Commission.[26] Development costs would apparently be high. As already indicated a thorough evaluation of the potential of this watershed is needed.

The North Arm River Watershed is almost wholly contained in the Town of Holyrood. That portion outside the town boundary is also outside the regional boundary. This is not a present source of local supply for the town which obtains its water from 3 wells.

The Commission believes that if the North Arm Watershed is a potential regional source of water then it should be wholly contained within the region. This is dealt with more fully in the section on regional boundaries.

Secondly, as with the Windsor Lake, Broad Cove and Petty Harbour Long Pond Watersheds, the Commission believes that the Regional Authority should acquire exclusive jurisdiction over the lands within this watershed, at the very latest, when development of the

watershed for regional water supply purposes is in the planning stages. For the moment, however, the Commission is satisfied to have the Town of Holyrood continue its jurisdiction in the area subject to the condition that any development within that watershed, approved by the Town of Holyrood, must be submitted to the Regional Authority for its approval prior to development commencement.

RECOMMENDATION 5.8

IT IS RECOMMENDED THAT A THOROUGH EVALUATION BE CONDUCTED OF THE NORTH ARM WATERSHED TO DETERMINE IF IT IS PRACTICABLY SUITABLE FOR USE AS PART OF THE REGIONAL WATER SUPPLY SYSTEM. IN THE EVENT THAT THE WATERSHED IS SUITABLE FOR DEVELOPMENT AS A SOURCE OF POTABLE WATER THEN JURISDICTION OVER THE WATERSHED LANDS WITHIN THE TOWN OF HOLYROOD COULD REMAIN WITH THE TOWN UNTIL DEVELOPMENT IS PLANNED WHEN EXCLUSIVE JURISDICTION WOULD BE TRANSFERRED TO THE REGIONAL AUTHORITY PROVIDED THAT IN THE PERIOD PRIOR TO TRANSFER OF JURISDICTION TO THE REGIONAL AUTHORITY ANY DEVELOPMENT IN THE WATERSHED APPROVED BY THE TOWN OF HOLYROOD MUST ALSO BE APPROVED BY THE REGIONAL AUTHORITY BEFORE A PERMIT IS ISSUED.

Regional Watersheds Within Town Boundaries

At present small portions of the Windsor Lake, Broad Cove and Petty Harbour Long Pond Watershed areas are within town boundaries of adjoining municipalities. In particular, portions of the Windsor Lake and Broad Cove Watersheds are inside the town boundaries of Paradise and Portugal Cove. In both these instances there are some people actually residing in the areas so it is not really reasonable to change the town boundary.

In the case of the Petty Harbour Long Pond Watershed the portion within the Town of Petty Harbour-Maddox Cove is totally undeveloped.

Ideally the Commission would like all regional watersheds to be outside town boundaries to avoid the possibility of jurisdictional conflict. As that may not be practical in all cases, the Commission feels that where regional watersheds are wholly or partly within a town boundary then the Regional Authority ought to have development control over such watershed areas. Applications for development in these areas would, upon approval by the municipality concerned, be forwarded to the Regional Authority for review and final approval. This would include similar jurisdiction over the portions of the Bay Bulls Big Pond, Thomas Pond, Pierre's Brook and, possibly, the North Arm Watersheds where they overlap town boundaries.

RECOMMENDATION 5.9

IT IS RECOMMENDED THAT THE REGIONAL AUTHORITY BE GIVEN DEVELOPMENT CONTROL OVER REGIONAL WATERSHED AREAS INSIDE MUNICIPAL BOUNDARIES.

Seal Cove River Watershed System

During the course of our public hearings it was suggested that the Seal Cove River Watershed system should be a regional and protected watershed system. The Commission has had its consultants, Elliott & Elliott, consider this watershed. It is presently utilized as a source of hydroelectric power. The consultant's report indicates that the present reliable supply of

water is all required for hydroelectric generation. Newfoundland Light & Power also appears to have been granted the right to use the system in perpetuity. It is therefore presently not available for water supply purposes.

Conclusion

The preservation of good water for the future depends upon good resource management now. Water quality and quantity must be protected for all residents of the region. It is the Commission's view that the appropriate representative body to manage this regional resource is the Regional Authority. That Authority must be given the clout to carry out that mandate effectively.

ENDNOTES

1. The Development area of St. John's Urban Region (Agriculture) Order, 1978, Newfoundland Regulation 9/78 gazetted July 28, 1978.
2. Revised Statutes of Newfoundland, 1970, c. 95 as amended.
3. The St. John's Urban Region (Agriculture) Development Area Regulations, 1986, Newfoundland Regulation 40/86 gazetted March 14, 1986 replacing The St. John's Urban Region (Agriculture) Development Area regulations, 1983 which replaced The Development Area of St. John's Urban Region (Agriculture) Regulations, 1978.
4. The Development Area of St. John's Urban Region (Agriculture) Order, 1978, Newfoundland Regulation 9/78 gazetted July 29, 1978.
5. Derived from statistics provided by the Department of Rural, Agricultural and Northern Affairs.
6. St. John's Urban Region (Agricultural) Development Area Order, 1978 (Amdt.), Newfoundland Regulation 113/87 gazetted June 26, 1987.
7. Department of Rural Agricultural and Northern Affairs.
8. See Map A.
9. See Map A.
10. St. John's Urban Region (Agricultural) Development Area Order, 1987 (Amdt.), Newfoundland Regulation 113/87 gazetted June 26, 1987.
11. 1986 Census of Agriculture for Newfoundland compiled by Statistics Canada and Summary provided through Department of Rural, Agricultural and Northern Affairs, Government of Newfoundland and Labrador.
12. 1986 Census of Agriculture, *supra,* and Agricultural Products Marketing Board statistics.
13. 1986 Census of Agriculture, *supra,* and Agricultural Products Marketing Board statistics.
14. 1986 Census of Agriculture for Newfoundland compiled by Statistics Canada and summary provided through Department of Rural, Agricultural and Northern Affairs, Government of Newfoundland and Labrador.
15. *Regional Water Resources Study of the Eastern Avalon Peninsula* prepared for Water Resources Division, Department of Environment, Government of Newfoundland and Labrador by Acres International Limited dated Sept. /87 (*"The Acres Report"*).
16. *The Acres Report, supra.*
17. *The Acres Report, supra,* page 90.
18. *The Acres Report, supra,* page 94.
19. W. ULLAH, "River Basin Planning in Urbanizing Environments in Newfoundland: Problems and Data Needs" in *River Basin Management: Canadian Experiences,* Department of Geography Publication Series No. 20 University of Waterloo c. 13 at page 175.
20. *The Acres Report, supra,* page 147.
21. *The Acres Report, supra,* page 152.
22. *The Acres Report, supra,* page 147.
23. *The Acres Report, supra,* page 95.
24. *The Acres Report, supra,* page 93.
25. *The Acres Report, supra,* page 94.
26. Elliott & Elliott, "Engineering Report No. 3: Holyrood North Arm Watershed".
27. *The Acres Report, supra,* page 169.

Chapter VI

THE MUNICIPAL STRUCTURE AND BOUNDARY OF THE REGION

In determining the revised mandate of the Board, consideration is given to the municipal structure and boundary of the region. Areas within the St. John's Metropolitan Area are examined in consideration of the proposed responsibilities and powers of the Regional Authority to determine whether these areas should come under the jurisdiction of the Regional Authority or become incorporated or annexed to an existing municipality. Further, the Commission has reviewed the Northeast Avalon area, in its entirety, to determine what should be the boundary of the region.

REGIONAL BOUNDARY

In every discussion of the present St. John's Urban Region certain areas have always had difficulty with their inclusion in the region. This continues to be the case with respect to the Towns of Witless Bay, Bay Bulls and Holyrood.

Holyrood

The Town of Holyrood has always objected to its inclusion in the region. Its primary objection is that its historical, cultural and social connection is with the "Head of the Bay" i.e. the communities of Avondale, Harbour Main, Marysvale and other communities outside the region. There is little doubt that this is true. However, other factors must also be considered in deciding whether or not Holyrood stays in the region.

The primary problem with removing the Town of Holyrood from the region is related to water supply, not only for the region itself but also for the Town of Holyrood. The Town of Holyrood insofar as it is serviced by water, relies on three artesian wells. With present growth rates, it is anticipated the Town will need an alternate source of water by the turn of the century. The Acres Report concludes that the cost to the Town of Holyrood of developing the North Arm Watershed for its own use would be very great compared to the cost of extending the regional water supply main from Conception Bay South to the Town of Holyrood. The Acres Report, supra page 99. Thus, Holyrood may, in the future, be forced to avail of at least one regional service due to economics. If, however, this was the only reason for including Holyrood, this Commission would have no real objection to removing it from the Region.

The second problem with excluding Holyrood is the North Arm River Watershed which is presently protected for future regional use. As discussed elsewhere in this Report little information has been collected regarding the feasibility of developing this watershed for regional use. Such studies ought to be carried out. If, in fact, there is no reasonable prospect of developing the watershed in the foreseeable future as part of the regional water supply, then the Commission would have no objection to excluding from the region the Town of Holyrood subject to two conditions:

1. that the North Arm River Watershed remain a protected watershed for long term water supply security and subject to regional development control.
2. that the town boundary of Holyrood be altered to exclude that portion of the towns lands on the Southern side of the Trans-Canada Highway.

In dealing with boundary issues, this Commission has made every effort to establish easily identifiable boundaries. At the present time the only development in the Town of Holyrood on the southern side of the highway consists of a service station and a few cottages.

Minimal municipal services are provided. There is no good reason to include that land in the Town of Holyrood, nor is there any good reason to exclude that land from the region. The highway also creates an easily identifiable boundary.

If there is a reasonable prospect of developing the North Arm River Watershed for regional use in the foreseeable future, then Holyrood should remain in the region as it, too, is likely to have an interest in using the watershed or, alternatively, in using the regional water system. The Town of Holyrood does not presently avail of many regional services but its future urbanization will require more services of a nature that its more rural neighbours at the "Head of the Bay" are presently a long way from needing.

Furthermore, since the Regional Authority proposed by this Commission contemplates that only those municipalities using regional services shall pay for them, there would be no negative impact on the Town of Holyrood by reason of its inclusion in the region.

Bay Bulls and Witless Bay

On the other side of the peninsula two other municipalities have also asked to be removed from the region, Bay Bulls and Witless Bay.

At the public hearing in Witless Bay in June of this year both the Town of Bay Bulls and the Town of Witless Bay indicated their desire to be outside the region.

These areas are presently using the 911 emergency service and are serviced by the St. John's Fire Department. More importantly they are adjacent to and are likely to have a demand for water from the Pierre's Brook Watershed which is presently designated for future regional use. This is pointed out in the Acres Report and, indeed, the town council of Witless Bay admitted that it considers that watershed to be a future municipal water source. There must be a mechanism to resolve conflicting interests with respect to the use of this resource. It is the view of the Commission that the Regional Authority is the proper body to resolve these problems. Thus the Commission recommends that the Towns of Bay Bulls and Witless Bay remain with the Region.

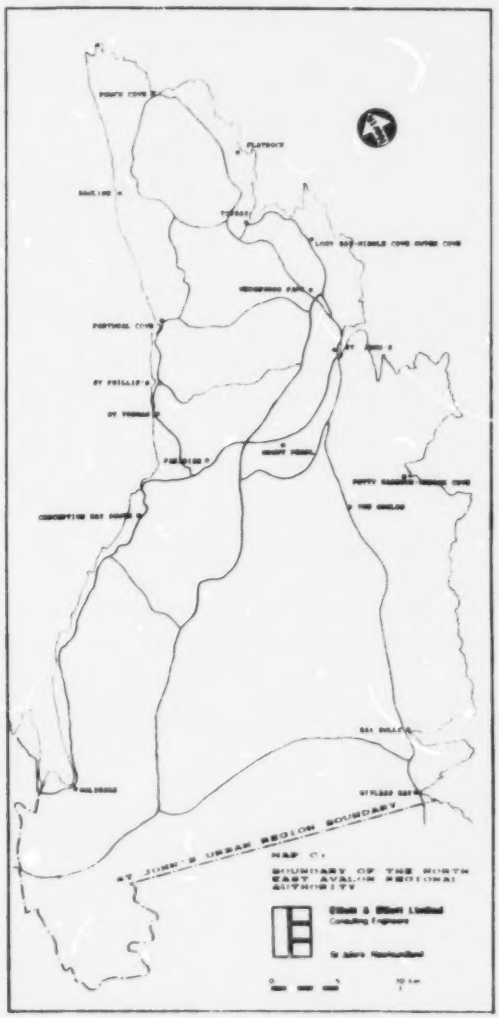
Bell Island

Bell Island is presently included within the St. John's Urban Region notwithstanding previous recommendations to the contrary. The island is not now and will probably never be able to avail of regional services. Its geography makes any connection to regional water and sewer services impracticable. It cannot avail of mainland emergency services and will not be affected or benefitted by many other existing or potential regional services. The only connection its residents have to the region is the ferry terminal in Portugal Cove and the jobs which they might have in the region. To that extent it is no different from, for example, Harbour Main, which is outside the region.

There is, therefore, no reason why Bell Island should be represented on the Regional Authority. The Commission recommends that Bell Island not be included in the Northeast Avalon Region.

Other Areas

It has been noted by the Commission that only part of the North Arm protected watershed is presently in the St. John's Urban Region although that watershed is designated as a future regional source of water. If, in fact, that watershed has regional potential then the entire watershed should be within the region. The Commission recommends that the boundary of the present St. John's Urban Region be expanded to include all of the North Arm Watershed in the Northeast Avalon Region.



RECOMMENDATION 6.1

SUBJECT TO A THOROUGH ANALYSIS OF THE NORTH ARM WATERSHED AS A POTENTIAL REGIONAL WATER SUPPLY SOURCE, IT IS RECOMMENDED THAT THE BOUNDARIES OF THE NORTHEAST AVALON REGION REMAIN THE SAME AS THOSE OF THE PRESENT ST. JOHN'S URBAN REGION EXCEPT FOR THE EXPANSION OF THE BOUNDARY TO INCLUDE ALL OF THE NORTH ARM WATERSHED AND EXCEPT FOR THE EXCLUSION OF BELL ISLAND FROM THE REGION. (See Map C).

MUNICIPAL STRUCTURE

The consideration of the future municipal structure of the Region is based on the following principles:

1. Wherever possible, communities and development areas should be directly represented by an elected municipal council providing municipal administration and services.
2. Municipalities should be cost-efficient and have the ability to respond to the needs of the area residents under their jurisdiction.
3. The Regional Authority should not be directly involved in the development of urban lands.
4. Lands identified as regional resource lands such as protected watersheds, agricultural, forestry and some mineral lands should be, insofar as practical, under the jurisdiction of the Regional Authority.
5. Lands that do not form a part of a local municipality for reasons of economics or remoteness should be under the jurisdiction of the Regional Authority. The Regional Authority would provide local government administration and services to these areas.

The Commission has thoroughly reviewed the various proposals put forward by individual municipalities regarding boundary changes. Based on the aforementioned five principles it has identified several boundary changes that are both necessary for and consistent with the establishment of a Regional Authority. It has further determined that these boundary changes should be implemented as soon as possible to correspond with the start of the 1988 municipal fiscal year.

RECOMMENDATION 6.2

IT IS RECOMMENDED THAT ALL BOUNDARY CHANGES PROPOSED IN RELATION TO THE ESTABLISHMENT OF THE REGIONAL AUTHORITY BECOME EFFECTIVE JANUARY 1, 1988, THE BEGINNING OF THE MUNICIPAL FISCAL YEAR.

ELIZABETH PARK - EVERGREEN VILLAGE

Unlike most of the other communities in this region, the Elizabeth Park - Evergreen Village Area does not have a long history or tradition. It is, in the context of the St. John's Urban Region, an infant; a relatively new creation of the phenomenon known as urban sprawl.

The brief history of the area actually begins with Evergreen Village, a trailer park that was established in the early 1970s on land owned by the Gillies family. By the late 1970s the family had sold their interest in the trailer park and the surrounding lands opening the way for the area's development. During the early 1980s a residential street was begun on the western boundary of Evergreen Village. Since that time, the "street" has grown into an extensive residential subdivision known as Elizabeth Park.

Existing Situation

Elizabeth Park - Evergreen Village (hereafter referred to as "the Elizabeth Park Area" or "the subdivision") is located on the north side of Topsail Road, just west of the Kenmount/ Topsail Overpass. It is bounded by the Windsor Lake - Broad Cove River. Protected Watershed to the north, the City of St. John's and the Town of Mount Pearl to the east, the Town of Paradise to the south, and the proposed Outer Ring Road to the west for a total geographic area of 1.3 square kilometers or approximately 127 hectares.

The subdivision is composed of a mobile home park and an urban residential housing development. Currently less than half of the available land area has been developed, however, plans have been approved by the Metropolitan Area Board for development of the remaining urban reserve area. It is estimated the area could be completely developed within 5-10 years with a total anticipated population of four thousand residents. All undeveloped land in the area is privately owned.

The trailer park (Evergreen Village) has been fully developed and consists of 195 mobile units, 12-16 vacant lots and a central recreation area. There is no room for additional growth inside the Park's boundaries once the existing vacant lots are utilized. The addition of new land is not likely under the current approved development plan. The land to the west and north of Evergreen Village is expected to be fully developed by the end of the 1987 calendar year. This development consists solely of urban residential housing and encompasses phases I and II of the Lakeshore Homes Development. The total residential units for these phases will number approximately 280. Infrastructure and land improvement work is currently ongoing for the area to the north and east of the trailer park and the present Lakeshore Homes development. Home construction is not anticipated to start before spring of 1988. Completion of this area is expected to add an additional 60-65 homes over the next 2-3 years.

Elizabeth Park is a Designated Service Area, meaning it receives full municipal services from Metro Board. To pay for these services the Board levies a 10 mill property tax and a water and sewer tax of $144.00 on all properties. Services provided by the Board include:

1. Water and Sewer (Operation and Maintenance)
2. Road Maintenance
3. Snow Clearing
4. Street Lighting
5. Planning and Development Control
6. Garbage Collection and Disposal
7. Fire Protection (St. John's Fire Department)
8. Inspection Services

For planning purposes, the subdivision is included in the Octagon Pond Development Scheme 1982 as part of the Southwest Development Area and is subject to the policies and objectives of that scheme. In February of 1986, Metro Board, in recognition of the development potential of the area adopted the Elizabeth Park Environs Development Scheme 1986. This new scheme maintains the integrity of the Octagon Pond Development Plan but allows for the scheduled future development of the residential component of the area. Under the new 1986 scheme, Elizabeth Park is designated Urban Reserve. Land use designations for this planning area include low, medium and high density residential, neighbourhood commercial, public buildings (schools), recreation, open space and buffer.

Alternative Approaches

There are three options available for dealing with Elizabeth Park - Evergreen Village:

1. Incorporate as a Town under the Municipalities Act;
2. Join the Town of Mount Pearl; or
3. Join the Town of Paradise.

OPTION ONE - **Incorporation**

While the Elizabeth Park Citizens' Committee, in their presentation to the Commission, did not specifically refer to incorporation as an option for their area, this alternative has been included in the analysis for the following reasons:

1. Elizabeth Park - Evergreen Village has the largest residential population base of all of the fringe development areas under consideration for removal from the St. John's Metropolitan Area and therefore would have the best case for separate incorporation; and
2. The area is composed of a modern subdivision and mobile home park with complete urban services including water and sewer.

Under the provisions of *The Municipalities Act* the Lieutenant-Governor in Council may, by order, establish any area in the Province as a town. Once incorporated as a municipality the community is bound by the terms of the Act regarding its administration. The terms govern such administrative functions as staffing, finance, taxation, municipal servicing and development control. Based on the requirements as outlined in the Act and historical cost and revenue data obtained from Metro Board the Commission has developed a financial analysis for incorporation of the area. This analysis was prepared under the following assumptions:

Generation of Local Revenues
The general mill rate remains at 10 mills for property taxation and $144.00 per unit for water and sewer tax.

Government Grants
Calculation of the Province's share of debt charges is based on a minimum municipal contribution rate of 20% of revenues.

Expenditures
The administrative budget is based on a lean staff operation with no remuneration provided for Council Members. All other expenditures are calculated according to historical cost figures.

Total revenues for 1988 are estimated at $500,000 while estimated expenditures total $491,000 leaving the proposed municipality with a small surplus of $9,000. At this rate, a variation in actual versus estimated expenditures as low as two percent would result in a deficit. The viability of the proposed municipality would also be seriously jeopardized by any attempt to lower the residential assessment rate even by as little as 0.5 mills. With this level of financial sensitivity any proposal to incorporate the area as a separate municipality must be considered extremely marginal. The potential financial problems are further exacerbated by the lack of an established commercial tax base. Without this steady source of revenue the municipality would find it increasingly difficult to provide to its residents the level and variety of services they are used to receiving.

Further the creation of yet another small marginal municipality in a region already burdened with twenty municipal entities is contrary to the very assumptions upon which this Commission has based its work almost from the beginning. Therefore, Option One is not acceptable given that:

1. The proposed municipal entity cannot be shown to be sufficiently economically sound to ensure its continued existence as a viable operation; and
2. The creation of yet another small uneconomic municipality would not be in the best interest of the residents, the Region or the Province.

OPTION TWO - **Mount Pearl**

The St. John's Metropolitan Area Board, in its brief to the Commission, indicated the need for a feasibility study to determine which municipality (Paradise or Mount Pearl) should have jurisdiction over the Elizabeth Park Environs Area. The Board further indicated that "determination of the jurisdiction of this area should be based on economic feasibility and community of common interest".[3]

The Town of Mount Pearl concurred with the Board that the lands to the west, between the present boundaries of Paradise and Mount Pearl, could easily be annexed to the Town. The Town's brief went on, however, to acknowledge "the competing interests of its sister municipalities who, in some instances, could and ought to take over lands which they could probably better service and expand their services into".[4] In that regard, the Town Council of Mount Pearl indicated it would support the Town of Paradise in annexing the area of Elizabeth Park.[5]

The Town of Paradise concurred with Mount Pearl's assessment that Paradise is in a better position to provide services to the Elizabeth Park area.

The Elizabeth Park - Evergreen Village Citizens' Committee indicated in its brief residents general satisfaction with the St. John's Metropolitan Area Board's administration of their area. The citizens' committee, while acknowledging the very real possibility of the Board being disbanded, declined to state what its preferred option would be in that event. The committee did, however, indicate that it has done some preliminary work including the conduct of a resident preference poll and the results favour inclusion with the Town of Paradise if they must, in fact, leave Metro Board's jurisdiction.[6]

Analysis of the Proposed Annexation

Servicing and Access:

Mount Pearl is currently providing its residents with a full range of municipal services. There is no indication these services could not be extended to Elizabeth Park - Evergreen Village. The only potential difficulty would appear to be the physical separation of the area from the town's residential core. There is no direct transportation link between Elizabeth Park and the Town of Mount Pearl. Currently the only access to the area is through the Town of Paradise. Further, the area is physically separated from the municipality by the Trans-Canada Highway.

Finances:

Elizabeth Park Evergreen - Village has associated with it a capital debt in the form of a regional sewer assessment. This debt would be required to be assumed by the acquiring entity. As Mount Pearl currently services 100% of its debt charges the annexation would result in an additional $141,132 in annual debt charges to the Town.

Even with this added debt an analysis of estimated revenues and expenditures for the area reveals the Town could expect a surplusof $60,000 for 1988. This surplus can be anticipated to continue beyond 1988 provided services are maintained at their current levels.

Residents could anticipate a drop in their annual assessment rate from the current rate of 10 mills to 7.2 mills under Mount Pearl. The water and sewer tax assessment would be $6.00 higher at$150.00 per unit. The type and level of services received would remain the same under the new administration.

Representation:

Mount Pearl, with a population of 20,293, is currently the second largest municipality in the Province next to St. John's. The addition of the Elizabeth Park area would result in an increase in the Town's population of eight percent (8%). This increase is insufficient to require the addition of another councillor to the town's current complement.

The results of the Commission's investigation indicate the annexation of the Elizabeth Park Area by Mount Pearl is financially and economically feasible. The revenues generated from the area are more than sufficient to meet the expenditures associated with the required services. Furthermore, the extension of the Town's services to this area could be accomplished in a cost-efficient manner.

There are, however, other considerations in determining the municipal future of this and any other area. In this regard the annexation option as it applies to Mount Pearl is somewhat deficient. Of primary consideration is Mount Pearl's own admission the area may more properly belong in the Town of Paradise. This statement has even more credence when road networks and natural boundaries are considered.

The Commission also recognized that Mount Pearl, with its significant population and revenue base, is already a viable and strong municipal entity in the region. The addition of 1620 persons and approximately $500,000 in revenues would not serve any real purpose in terms of further strengthening the municipal structure of the region. The addition of this population and revenue base to the much smaller municipality of Paradise would, however, accomplish a great deal towards the strengthening of this town and therefore would create a positive effect for the region.

In conclusion, it is the Commission's opinion that while Option Two is economically viable it is not as acceptable an alternative as Option Three.

OPTION THREE - **Paradise**

The Town of Paradise is convinced that its neighbours in Elizabeth Park - Evergreen Village are in agreement with an expansion of the Town's boundaries to take in the community. In its brief to the Commission the municipality noted it undertook, in 1986, a feasibility study

to evaluate the economic viability of adding this area, among others, to the Town's municipal jurisdiction. At that time the Town concluded the proposed annexation was both viable and logical and has since begun a program of internal restructuring to accommodate its anticipated revised local government mandate.

As indicated in the discussion of Option Two both the St. John's Metropolitan Area Board and the Town of Mount Pearl have no difficulties with the addition of Elizabeth Park-Evergreen Village to the Town of Paradise. The Elizabeth Park-Evergreen Village Citizens' Committee, while it did not commit itself to this alternative, did indicate annexation to Paradise has been considered. Area residents, in an opinion poll conducted by the Committee, indicated the Paradise alternative as their second choice next to remaining under the jurisdiction of Metro Board.

Analysis of the Proposed Annexation

Servicing and Access:

Paradise is currently providing many of its residents with the same municipal services received by Elizabeth Park - Evergreen Village. There is no indication the Town's services could not be extended to include this area. The only potential difficulty would appear to be the significant increase in demand on existing town services the addition of the area would create. Current staff levels would certainly have to be increased. There is also some question as to whether Paradise would be providing some of the services at the same level as currently enjoyed by residents of Elizabeth Park - Evergreen Village as certain figures provided by the Town were low in respect to past Metro Board expenditures.

While Elizabeth Park - Evergreen Village is somewhat distant from Paradise's residential core, the physical separation is not considered to be a problem as the Town's current population is already dispersed. Access to Elizabeth Park - Evergreen Village is through Paradise from Topsail Road.

Finances:

As indicated in the analysis of Option Two, the acquiring municipality would be required to assume the attached regional sewer assessment. Paradise currently contributes to its debt charges at a rate of 20% of its fixed revenues. Hence, the annexation of Elizabeth Park-Evergreen Village would result inthe payment of an additional $74,100.

Even with the added debt payments the Town could expect a surplus of revenues over expenditures of $100,000 for 1988. This surplus can be anticipated to continue beyond 1988 provided services are maintained at the Town's current levels.

Residents would see a drop in their annual assessment rate from 10 mills to 5.5 mills. Water and sewer taxes would increase, however, from $144.00 to $192.00 per unit. The type of services received would remain the same under the new administration.

Representation:

Paradise, with a population of 3346, is the seventh largest municipality in the St. John's Urban Region. The Town has proposed the creation of a ward system. The addition of the Elizabeth Park area would result in an increase in the Town's population of forty eight percent

(48%). This increase is of sufficient magnitude to warrant the election of the area's own council representative under a ward system. In the interim, until the next municipal election, the addition of another councillor to represent the area is warranted. If a ward system is not created for the next municipal election the complement of councillors would revert to seven.

The results of the Commission's investigation indicate the annexation of Elizabeth Park - Evergreen Village by the Town of Paradise to be both financially and economically feasible. The revenues generated from the area are more than sufficient to meet the associated expenditures. Furthermore, the extension of the town's municipal services to the area can be accomplished in a cost-efficient manner.

Residents will clearly acquire increased local government representation from that provided under the St. John's Metropolitan Area Board. The Commission also recognizes the benefits to Paradise of an increased population and revenue base, both in terms of providing funds for internal development and in terms of further strengthening the Town's municipal presence in the region.

The addition of the area to the Town's municipal jurisdiction is clearly logical in terms of road links and the creation of easily identifiable boundaries. While it has not been specifically dealt with in this paper, the expansion of the Town's boundaries to include Elizabeth Park-Evergreen Village implicitly includes the relatively undeveloped area commonly referred to as Donna Road East. By annexing these two areas the Town's municipal boundary would be redrawn to meet the southern boundary of the Broad Cove River Protected Watershed thereby placing all developable lands in the vicinity under one municipal jurisdiction.

Application of the Feasibility Report Criteria to the Proposal

Access of the people to elected and appointed officials:

If the Donna Road East and Elizabeth Park - Evergreen Village areas were to be included in Paradise residents should have better access to the Town's elected officials than to the appointed officials of Metro Board.

Representation in accordance with the distribution of population

Residents are currently not represented on the Board. Inclusion with Paradise would result in residents having the opportunity to participate in the local government process. Paradise has indicated plans to establish a ward system in the Town. Given the fairly substantial increase in population which would result from the annexation of this area to the Town, it appears reasonable to add an additional councillor to Paradise's current complement for the remainder of the term of office of the present council. If a ward system is created in the future the area should have at least one representative. If no ward system is created by the next municipal election, the complement of councillors would revert to seven. The area, with its significant population, would have an opportunity to become well represented.

Community identity:

The Commission has concluded, based on the results of the Elizabeth Park - Evergreen Village Citizens' Committee poll, that residents do have a sense of identity with the Town of Paradise. This identity is reinforced by the area's geographic proximity to the Town and by the existing road network. The community identity for the area of Donna Road East is undoubtedly even stronger.

Suitability and the need of the area for municipal servicing:

Elizabeth Park and Evergreen Village are both fully serviced with water and sewer. All planned future developments in the area will also be similarly serviced. The Town of Paradise is currently partially serviced with water and sewer. The Donna Road East area is not yet developed and hence has no water and sewer services. Such services could be easily provided, however from existing Town systems. In terms of the provision of other municipal services, the Town currently provides its residents with similar services to those provided by Metro Board.

Physical constraints to municipal servicing:

None.

Administrative capability of the municipality:

While Metro Board has adequately administered the areas in the past there is no indication the Town of Paradise would not be capable of doing a satisfactory job. Given the proximity of the Town to the two areas, improvements in some functions may even be possible. While the town is lacking in terms of some of the staff expertise available to the Board, this is not felt to be a negative factor due to the existence of development plans for the areas concerned.

Coordination of municipal services and functions:

The Town of Paradise is in at least as good a position as Metro Board to service these areas. Given the significant increased servicing demands involved the Town will undoubtedly require additional staff. This can be accomplished by a reallocation of existing Metro Board Staff. A problem is not anticipated with the coordination of municipal services and functions.

Cost-efficiency:

The Town should be able to provide administrative and municipal services to both areas in a cost-efficient manner.

Feasibility in terms of revenues and expenditures:

The addition of the Elizabeth Park Area will result in both increased administrative and operational costs. Local taxes should be sufficient to cover any increase in costs to the councils operations. The proposed boundary changes would have a substantial positive effect on the financial position of the Town of Paradise.

Equity - Taxpayers' ability to pay and benefits received:

Residents of the Elizabeth Park Area are currently paying property tax of 10 mills and a water and sewer assessment of $144.00 to Metro Board. Inclusion with the Town of Paradise would result in residents paying a property tax of 5.5 mills and a water and sewer tax of $192.00. Services would presumably be provided at or near existing levels. There is no indication residents would be unwilling or unable to pay these taxes or that taxes would be disproportionate to benefits received.

Response of tax yields to changes in economic activity:

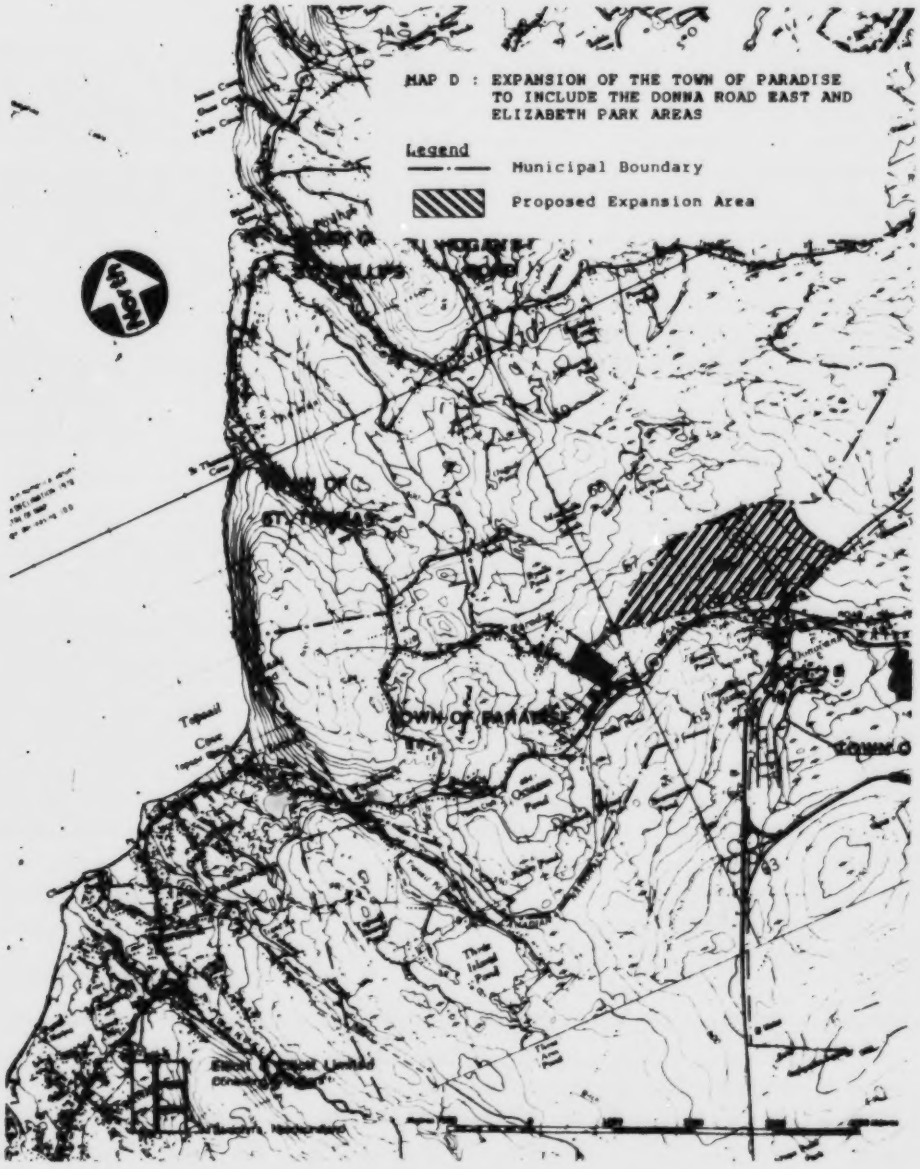
As the system of taxation under both administrations is similar the response of tax yields to changes in economic activity would be the same.

Equality among adjoining municipalities:

The inclusion of Elizabeth Park - Evergreen Village with Paradise would increase the Town's municipal presence and viability and would therefore contribute toward the further strengthening of the Region's municipal structure. It also moves the municipality more in line with its more urban neighbours thereby providing this part of the region with a more consistent approach to local government and municipal servicing.

Simplicity of proposed municipal structure:

The proposed municipal structure would be basically the same and is consistent with *The Municipalities Act.*



Acceptability of proposal at local and regional levels:

Area residents do not appear to be opposed to their inclusion with the Town. The Town Council of Paradise is in full agreement with an expansion of the Town's boundaries to include Donna Road East and the Elizabeth Park Area. The Commission has no objections to the proposal from a regional perspective, the expansion will, in fact, help create a stronger and more economically viable community which should benefit the entire region.

RECOMMENDATION 6.3

THAT THE MUNICIPAL BOUNDARY OF THE TOWN OF PARADISE BE EXPANDED TO INCLUDE THE AREA KNOWN AS DONNA ROAD EAST, THE RESIDENTIAL SUB-DIVISION OF ELIZABETH PARK, THE EVERGREEN VILLAGE TRAILER PARK AND OTHER LANDS SUCH THAT THE TOWN IS BOUNDED BY THE BROAD COVE RIVER PROTECTED WATERSHED IN THE NORTH AND THE TRANS-CANADA HIGHWAY IN THE EAST. (See Map D).

TOPSAIL POND - THREE ISLAND POND

Existing Situation

The Topsail Pond-Three Island Pond area is approximately 488 hectares in size and does not include the 352 hectares that have been designated for the Octagon Pond Industrial Park. The area is located south of the Town of Paradise, west of the Octagon Pond Development Area, east of Conception Bay South and north of the Conception Bay South bypass. It is adjacent to both the Towns of Paradise and Conception Bay South.

The population comprises a mix of seasonal and permanent residents. There are 228 rural residential properties of which 160 are permanent residences. The permanent population of the area is approximately 600 people.

The road through the Aurora Subdivision is the only road that the St. John's Metropolitan Area Board maintains in the area. Public roads are maintained by the Department of Transportation and include a portion of Round Pond Road, Dawe's Road, Angel's Road, Neil's Pond Road, Miller's Road and Topsail Pond Road. The total length of these roads is approximately 7.5 kilometers.

The area does not receive piped water and sewer services but it does receive garbage collection, street lighting, planning, engineering and administrative services from the St. John's Metropolitan Area Board.

During the course of the public hearings, both the Town of Paradise and the Town of Conception Bay South expressed interest in acquiring jurisdiction over this area. A Citizens' Committee from the Topsail Pond-Three Island Pond area also presented a brief to the Commission. The latter had conducted a plebiscite which indicated that 83.9% of area residents were in favour of amalgamation with Paradise as opposed to Conception Bay South. The Town of Conception Bay South does take issue with the results of the plebiscite. From a geographical perspective, the area could easily become part of either municipality. The St. John's Metropolitan Area Board submitted that a feasibility study ought to be conducted to determine which municipality ought to have jurisdiction over the residents.

Public Opinion Survey:

In order to deal with the concern of the Town of Conception Bay South over the results of the plebiscite conducted on behalf of the Topsail Pond - Three Island Pond Citizens' Committee, the Commission contracted with Magna Consultants Inc. to do a public opinion survey of residents of the Topsail Pond - Three Island Pond area. The objective was to sample as many of the population as possible during a two-day period. The data was obtained through telephone interviews. The survey included permanent residents, seasonal residents and persons owning property in the area but not residing there.

Of the 217 property owners identified in the municipal directory, 140 were contacted and included in the survey. One hundred thirty-eight of the respondents owned their properties while two rented. Ninety-eight property owners or 70% of those surveyed indicated that the property was their principal residence. Thirty-eight or 23.6% of those surveyed indicated that it was a seasonal residence. Nine people or 6.4% indicated that their land in the area was vacant.

Fifty-two percent of owners of principal residences, 48.5% of seasonal residents and ⅓ of the vacant land owners preferred annexation to Paradise. 25.5% of owners of principal residences, 12.1% of owners of seasonal residences and 22.2% of vacant land owners preferred the Town of Conception Bay South. The rest, or 27.9% of those polled, indicated that they were undecided.

The number of undecided land owners was quite substantial. However, of those land owners who had a preference, 69.3% wished to be annexed to Paradise. The margin of error, given the number responding and having a preference, would be plus or minus 6.6%.

Servicing Study:

Due to the complexities in the area, the Commission commissioned a study of servicing needs by Elliott & Elliott Limited, Consulting Engineers. The report received from Elliott & Elliott indicates that the natural path of surface drainage is to Conception Bay at Topsail. This is also true, however, for some of the lands along the Conception Bay Highway already within the Town of Paradise.

Elliott & Elliott concluded that two alternatives exist for disposing of sewage collected if and when a sewerage system is installed in the area. The first alternative is to extend a sewer line west along Highway 60 from the junction of that highway and Topsail Pond Road to connect to the existing system at Topsail. That sewer would provide service connections for buildings situated along that section of Highway 60, most of which is within the Town of Conception Bay South. Sewage would then be transported to the existing treatment plant at Chamberlains for treatment and disposal. That plant has been designed and built with both existing capacity and provision for expansion to serve the population to the north of Topsail. The second alternative is to collect the sewage at a pumping station at the junction of Highway 60 and Topsail Pond Road and pump it northeastward to the existing Waterford Valley Relief sewer. It appears that the first alternative is a much more economical approach to sewage disposal for the area.

There is no doubt that sewerage servicing requirements favour the Town of Conception Bay South. Since, however, this is also true for land already within the Town of Paradise, the Commission is of the opinion that this is a neutral factor in determining the annexation of the area.

Elliott & Elliott concluded that from the point of view of water supply construction, it makes no difference whether Topsail Pond-Three Island Pond becomes part of Conception Bay South, part of Paradise or remains independent. A branch from the present water main along the Manuels Access Road would feed directly to the Topsail-Three Island Pond area and could be extended west along Topsail Pond Road as far as the junction of Topsail Pond Road and the Conception Bay Highway. A further extension along the Conception Bay Highway would provide a second supply connection to the Town of Conception Bay South's water distribution system. The resulting loop would improve the reliability of both systems in the event of a rupture in the line.

Discussion of Proposed Boundary Expansions

The Commission has divided this area into two sections for purposes of discussion. One section comprises the populated areas around Topsail Pond and Three Island Pond which are presently designated rural residential 4 for zoning purposes together with a small strip

of rural land lying between that zoning designation and the present boundary of the Town of Paradise. The second area comprises the lands adjacent to the Town of Conception Bay South which are presently zoned either rural or agricultural and includes Fowler's Road.

Topsail Pond - Three Island Pond Residential Area

The Topsail Pond - Three Island Pond residential area is generally composed of the populated lands immediately adjacent to Topsail Pond and Three Island Pond. It is currently under the jurisdiction of the St. John's Metropolitan Area Board. Its boundary on the Conception Bay South side is the boundary of the present rural residential 4 zoning designation. It also includes a very small portion of rural land between the Town of Paradise and the rural residential 4 designation.

It is in this area that by far the largest majority of the residents live. The Topsail Pond-Three Island Pond Citizens' Committee indicated in their brief presented to the Commission that a plebiscite had indicated 83.9% of the residents would prefer to be annexed to the Town of Paradise. The Town of Paradise has agreed to create a ward for the area and to thereby give the area its own representative on the Town Council.

Rural - Agricultural Land

The portion of the Topsail Pond - Three Island Pond lands adjacent to the Town of Conception Bay South is currently designated either agricultural or rural. The agricultural land is located on the north side of Three Island Pond. Thirty-two acres of this land are owned by a Robert Stacey who also submitted a written brief to the Commission. He submitted that existing areas within the jurisdiction of the St. John's Metropolitan Area Board ought to be annexed to existing municipalities. His main concern was the agricultural designation of the land. He did not indicate a preference for either the Town of Conception Bay South or Paradise.

Fowler's Road which originates and is primarily contained within the town boundaries of the Town of Conception Bay South continues through this section of the Topsail Pond-Three Island Pond area. A number of other roads originating in Conception Bay South and do continue into the rural section of the area. There are currently very few residents in this section.

Proposal

It is proposed that the area currently designated as rural residential 4, being the populated area of Topsail Pond-Three Island Pond together with a small strip of rural land presently between the town boundary of the Town of Paradise and the rural residential 4 designation be annexed to the Town of Paradise. It is further proposed that the currently designated rural and agricultural lands adjacent to the Town of Conception Bay South and bounded by the rural residential land previously referred to, be annexed to the Town of Conception Bay South.

The first part of the proposal envisages that the populated area of the Topsail-Three Island Pond region be annexed to the Town of Paradise. Servicing and cost effectiveness criteria do not substantially favour either the Town of Paradise or the Town of Conception Bay South. Residents' preference is the Town of Paradise. The tax rate is a little lower in the Town of Paradise than in the Town of Conception Bay South. The Town of Paradise has offered the residents their own representative on the Council.

The rural and agricultural areas of the Topsail-Three Island Pond region are most easily reached through the Town of Conception Bay South or from the Manuels Access Road. Many of the roads in the area are extensions of roads in the Town of Conception Bay South. There are very few residents. The Commission feels that this area has a closer geographical and road connection to the Town of Conception Bay South than the Topsail Pond-Three Island Pond residential area does.

Application of the Feasibility Report Criteria to the Proposal

Access of the people to elected and appointed officials:

If the Topsail Pond - Three Island Pond residential area is included in the Town of Paradise, the Town has indicated that it will create a ward for the area and seek an additional councillor to represent it. The residents should have better access to the Town's elected officers than to the appointed officials of the St. John's Metropolitan Area Board.

With respect to the rural and agricultural lands, these lands do not have many residents. In any event, they, too, should have better access to the elected councillors of the Town of Conception Bay South than they presently have to the appointed officials of the St. John's Metropolitan Area Board.

Representation in accordance with the distribution of population:

Residents of both areas are currently not represented on the St. John's Metropolitan Area Board. Inclusion in either the Town of Conception Bay South or the Town of Paradise would result in residents having the opportunity to participate in the election process.

The land proposed to be appended to the Town of Conception Bay South has few residents and is so small in population that it would not warrant its own council representative or the addition of another councillor to the current complement of the Council of the Town of Conception Bay South.

The rural residential portion of the Topsail Pond-Three Island Pond area has a population of approximately 600. The Town of Paradise itself had a population of only 3346 people as of the 1986 census. The Town of Paradise has proposed that an additional councillor would be required and that a ward would be created for this area to give residents their own representation on the Town Council. Given the fairly substantial increase in population which will result from the annexation of this area to the Town of Paradise, it appears reasonable to add an additional councillor, in the interim, to the Town's current complement for the remainder of the term of office of the present council. If a ward system is created in the future the area might have its own representative. If no ward system is created by the next municipal election, the complement of councillors should revert to seven.

Community identity:

The Commission has concluded that residents, who have an opinion, prefer to identify themselves with the Town of Paradise. The populated rural residential section of the Topsail-Three Island Pond area is sufficiently similar in character to the Town of Paradise to be compatible.

Given that there are very few residents in the agricultural and rural sections of the area and, given this area's close road connections to the Town of Conception Bay South, it is considered that residents are more likely to identify themselves with the Town of Conception Bay South.

Suitability and the need of the area for municipal servicing:

The area is not currently serviced by water and sewer. It is also not likely to be serviced in the near future. The Town of Conception Bay South has indicated that servicing could more easily be provided by it than by the Town of Paradise if required. A servicing study prepared for the Commission concluded that while sewage collection and disposal would be more cost-effective through Conception Bay South either municipality could supply the area with water. In terms of the provision of other municipal services both Towns appear to be equally capable of meeting the areas needs.

The Commission is of the opinion that the residents of the Topsail Pond - Three Island Pond residential area are connected more closely by road to the Town of Paradise. On the other hand, given the road system in the rural and agricultural areas, easier connection is made from that section to either the Town of Conception Bay South or the Manuels Access Highway.

Physical constraints to municipal servicing:

None.

Administrative capabilities of the municipality:

While the St. John's Metropolitan Area Board has adequately administered both areas in the past, there is no indication that the Town of Paradise or the Town of Conception Bay South would not do a satisfactory job.

Coordination of municipal services and function:

Removal of these areas from the jurisdiction of the St. John's Metropolitan Area Board eliminates a geographically distant area from the Board's overall responsibilities and places it in the hands of a municipality which is in a better position to service it.

The Town of Paradise, in acquiring the populated area of Topsail Pond - Three Island Pond, may require additional staff. This can probably be accomplished by a reallocation of existing St. John's Metropolitan Area Board staff to the staff of the Town of Paradise.

With respect to the rural and agricultural lands, the population is very small. The Town of Conception Bay South should be able to administer the area with its present staff.

Cost-efficiency:

The Town of Paradise should be able to provide administrative and municipal services to the populated portion of Topsail Pond - Three Island Pond in a cost-efficient manner. The Town of Conception Bay South may find the provision of municipal services to the rural and agricultural portion of Topsail Pond - Three Island Pond to be less than cost-effective in the initial period. Administrative costs should not be affected.

Feasibility in terms of revenues and expenditures:

The addition of these areas to the Town of Paradise and the Town of Conception Bay South will result in some increased administrative costs and operational costs to the Town of Paradise and minimum administrative and operational costs to the Town of Conception Bay South.

The proposed boundary changes should have no significant impact on the financial positions of either town. There are no capital debts attached to the area.

The Commission has done a financial analysis of the effects of annexing these areas to the Town of Conception Bay South and the Town of Paradise respectively.

The annexation of the populated rural residential area to the Town of Paradise will result in the allocation of almost all of the revenues and attendant expenditures to the Town of Paradise. On the other hand, Conception Bay South, as the recipient of a much less densely populated area would probably experience a deficit initially due to the high cost of snow clearing, road maintenance and garbage collection. The area is, however, prime residential land and development of a sufficient density to pay for these services would not take long if the area was rezoned to allow such development. The bulk of the roads in the rural area are currently administered by the Department of Transportation and might continue to be so administered.

The Commission has examined the financial impact of annexing the entire area to either the Town of Conception Bay South or to the Town of Paradise. In either event, based upon estimated 1988 revenues and expenditures, there would be a surplus of revenues over expenditures. This surplus would be greater if the entire area were annexed to the Town of Conception Bay South. This result is due to the higher property tax of the Town of Conception Bay South.

Equity Taxpayers' ability to pay and benefits received:

Residents are currently paying a property tax of 4 mills to the St. John's Metropolitan Area Board for services received. Inclusion with the Town of Paradise would result in residents paying a property tax of 5.5 mills. Inclusion with the Town of Conception Bay South would result in residents paying a property tax of 6 mills. Services would presumably be provided at the same level as received currently. There is no indication that residents would be unwilling or unable to pay these taxes. However, there is no doubt that the tax rate is a little lower in the Town of Paradise.

Response of tax yields to changes in economic activity:

As the system of taxation under the three administrations is similar, the response of tax yields to changes in economic activity would also be the same.

Equality among adjoining municipalities:

The Town of Paradise and the Town of Conception Bay South are truly adjoining municipalities which are capable of providing the area with necessary services and the same lifestyles and related amenities.

Simplicity of proposed municipal structure:

The proposed municipal structure for the Town of Paradise and the Town of Conception Bay South would be basically the same as the existing structures and is consistent with *The Municipalities Act.*

Acceptability of proposals at local and regional levels:

The majority of area residents and the Town Council of the Town of Paradise are in full agreement with an expansion of the boundaries of the Town of Paradise to include the Topsail Pond - Three Island Pond area.

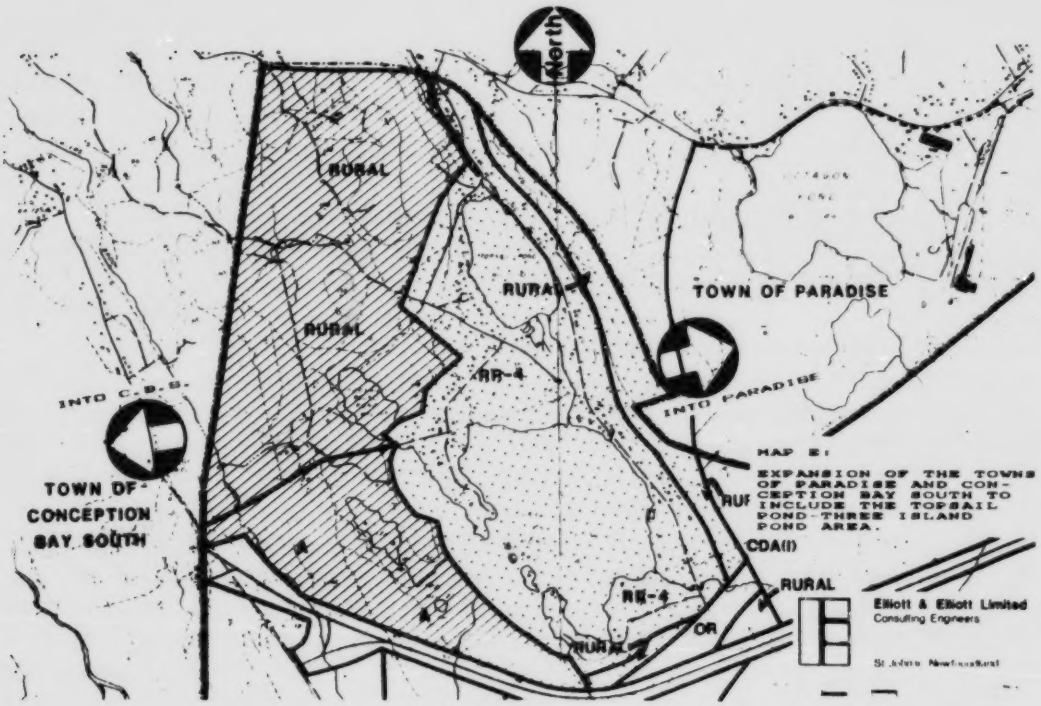
As already discussed, the Commission is of the opinion that it is appropriate to divide the area between the two municipalities based upon the present (October 31, 1987) zoning designations and for the reasons already outlined herein. The Commission feels the regulations in place for subdivision and rural development are sufficient to maintain the integrity of the regional plan asit applies to these areas. From a regional perspective, the expansions should, in the long term, create stronger municipalities and hence benefit the region.

RECOMMENDATION 6.4

THAT THE AREA OF TOPSAIL POND - THREE ISLAND POND CURRENTLY DESIGNATED AS RURAL RESIDENTIAL 4 TOGETHER WITH A SMALL STRIP OF RURAL LAND BETWEEN THE TOWN OF PARADISE AND THE RURAL RESIDENTIAL 4 AREA BE ANNEXED TO THE TOWN OF PARADISE. THE NEW BOUNDARY DELIMITATION SHOULD FOLLOW THE EXISTING METRO BOARD LAND USE DESIGNATIONS. (See Map E)

RECOMMENDATION 6.5

THAT THE LANDS CURRENTLY DESIGNATED RURAL AND AGRICULTURAL LANDS IN THE TOPSAIL POND-THREE ISLAND POND AREA BE ANNEXED TO THE TOWN OF CONCEPTION BAY SOUTH. (See Map E)



OCTAGON POND INDUSTRIAL DEVELOPMENT AREA

One of the most difficult issues with which this Commission has had to deal is the disposition of that part of the Octagon Pond Industrial Park Development Area presently controlled by the St. John's Metropolitan Area Board. Two municipalities have expressed interest in acquiring jurisdiction in the area, the Town of Paradise and the Town of Conception Bay South.

The Octagon Pond Industrial Park is designated on the regional plan for heavy industrial development. About half of the designated area of the industrial park is already in the Town of Paradise. Approximately 352 hectares remains under the jurisdiction of the St. John's Metropolitan Area Board.

The Town of Conception Bay South has a keen interest in acquiring jurisdiction over at least part of this industrial park. It has argued both in its brief and at the public hearings that the town lacks an industrial tax base. Its economic well-being would be greatly improved by access to the future long term returns from jurisdiction over part of the park. If denied such access, the Town of Conception Bay South will undoubtedly look to establish its own industrial park which will then have to compete with the Octagon Pond Industrial Park.

It is worth noting that, at the present time, any real return from the area is purely hypothetical. While designated for an industrial park, the area is largely undeveloped at the present time. A proposed interchange from the park connecting to the Manuels Access Road would, in the future, give reasonable access from the Town of Conception Bay South.

The Town of Paradise already has a substantial portion of the Octagon Pond Development Area within its municipal boundaries. It, too, is looking to the park's industrial development as a means of improving its tax base. On the other hand, the Town of Paradise recognizes that Conception Bay South wants jurisdiction over at least part of the remaining industrial park lands now under the jurisdiction of the St. John's Metropolitan Area Board. The Town is concerned that competition between the two municipalities to attract industry to their respective portions of the Octagon Pond Industrial Park or to their respective industrial parks, as the case may be, could have a negative impact on its own economic fortunes.

The Commission accepts that Conception Bay South needs access to an industrial and commercial tax base. It also accepts the argument that competition between Conception Bay South and Paradise to attract industrial development may be detrimental to both. In order to satisfy the long-term objectives of both towns, the Town of Paradise proposed in its brief that jurisdiction over the entire Octagon Pond Industrial Park be shared equally by the Towns of Paradise and Conception Bay South. Costs of and revenues from the park would also be shared equally.

This proposal is attractive in that, theoretically at least, it should enable both towns to realize their long-term objectives without forcing them to compete with each other. The scheme does, however, depend upon cooperation and goodwill between the respective municipal councils for its success.

The Commission has addressed the Octagon Pond issue by indicating its preferred and then its alternative recommendation.

The Preferred Alternative:

The Commission was intrigued by the proposal of the Town of Paradise to share the industrial park. It should be noted that, in this regard, we are not discussing the St. Anne's Industrial Park, but only that industrial area designated as the Octagon Pond Industrial Park. Joint administration of the area would be of benefit to both municipalities both from a cost and from a revenue point of view. It would also eliminate the need for these towns to compete with each other for an industrial tax base in the future.

The Urban & Rural Planning Act RSN 1970 C 387, as amended, already contains provisions for joint municipal plans and joint planning areas. The structure of the authorities to administer such joint planning areas would be equally appropriate for joint operation of the Octagon Industrial Park by the Towns of Paradise and Conception Bay South and might be used as a model to develop the administrative framework for joint control. However, *The Urban & Rural Planning Act* does not specifically provide for taxation in such areas nor does it provide for revenue sharing. It may therefore be necessary to enact special legislation, to encourage a contractual relationship or to utilize other legislation to put the Commission's preferred recommendation into effect.

Part 3 of *The Urban and Rural Planning Act* prescribes the formula for establishing joint planning authorities. The Commission has examined the constitution of such authorities and feels that a similar body would be appropriate to administer the joint operation of the Octagon Pond Industrial Park by the Town of Conception Bay South and the Town of Paradise. It is proposed that each council would appoint two of its councillors to represent it on the joint board. The joint authority would be a corporation. It would administer the area and prepare a plan for the area under its jurisdiction as if it were a municipality. The participating municipalities would contribute equally to the costs of servicing the area and would share the revenues therefrom.

The implementation of this plan would require the deletion from the Town of Paradise of that portion of the Octagon Pond Industrial Park currently within its jurisdiction. In fairness, however, it must be recognized that the only portion of the Octagon Pond Industrial Park which currently produces any revenues is already within the Town of Paradise. This provides some tax base for the Town of Paradise which, in turn, currently services the area.

It is proposed that, initially at least, the Town of Paradise would continue to provide services to and receive all the revenues from the enterprises now located in the Octagon Pond Industrial Park. As new enterprises are developed within the Industrial Park the costs of developing the park to accommodate them and of servicing these new enterprises as well as the revenues therefrom would be shared equally between the two municipalities. In effect, this creates a grandfather provision for the Town of Paradise with respect to those industries which are currently contributing to its tax base and which it currently services.

The Commission also feels that it is advisable to have an independent member of the joint authority to assist in dispute resolution and provide a balance between the representatives of the two municipalities who would administer the Industrial Park. The ideal person to fulfill the function as chairman of the joint authority is the chairman of the Regional Authority. The municipalities could then call upon the expertise of the staff of the Regional Authority to assist in plans for developing the industrial park. The cost of any services provided by

the Regional Authority, other than the participation of the chairman on the board of the joint authority, would be shared equally by the Town of Conception Bay South and the Town of Paradise.

Alternative Two:

In the alternative, it is the view of the Commission that the portion of the Octagon Pond Industrial Park which is currently under the jurisdiction of the St. John's Metropolitan Area Board ought to be annexed to the Town of Conception Bay South together with a small portion of rural land at the back of Three Island Pond and adjacent to the Manuels Access Road which will provide a connection between the agricultural land which we have already proposed to annex to the Town of Conception Bay South in dealing with the Topsail Pond - Three Island Pond Area.

The Town of Paradise already has more industrial park land within its jurisdiction than it will need in the foreseeable future. As already discussed, the Town of Conception Bay South has a need to develop an industrial tax base and it would be counter-productive to establish yet another industrial park in the region.

The Commission is of the view that this alternative proposal is feasible assuming that the proposed interchange from this rear portion of the Octagon Pond Industrial Park is constructed to connect it to the Manuels Access Road. This would facilitate access from the Town of Conception Bay South and enable it to easily service the area.

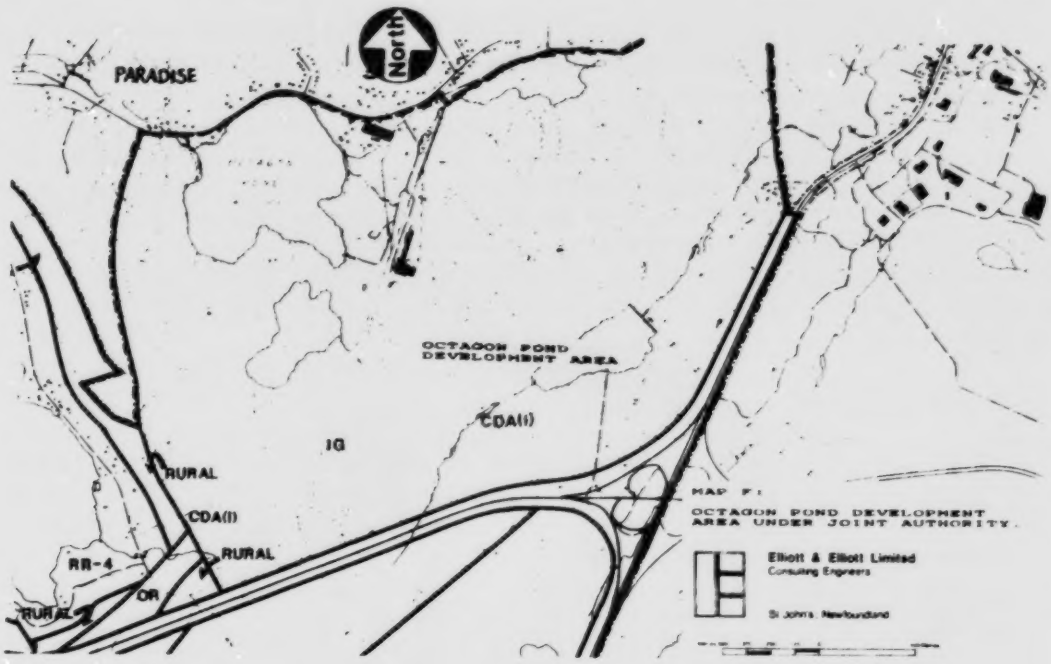
Since there is no population or development affected by this proposal the feasibility report criteria are not dealt with in detail.

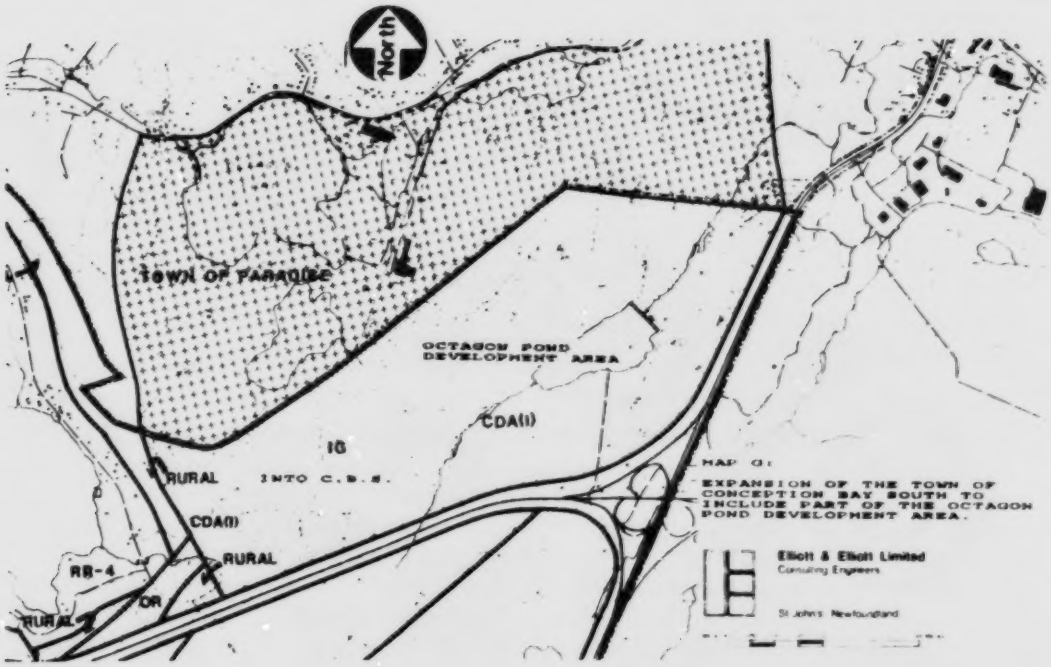
RECOMMENDATION 6.6(a)

IT IS PROPOSED THAT THE ENTIRE OCTAGON POND INDUSTRIAL PARK BE PUT UNDER THE JURISDICTION OF A JOINT AUTHORITY HAVING FULL MUNICIPAL POWER WITHIN THE AREA. THAT JOINT AUTHORITY WOULD BE COMPRISED OF TWO REPRESENTATIVES FROM THE TOWN COUNCIL OF CONCEPTION BAY SOUTH AND TWO REPRESENTATIVES FROM THE TOWN COUNCIL OF PARADISE. IN ADDITION, THE CHAIRMAN OF THE REGIONAL AUTHORITY WOULD BE A MEMBER OF THIS JOINT AUTHORITY AND WOULD SERVE AS CHAIRMAN. COSTS AND REVENUES WOULD BE SHARED SUBJECT TO A GRANDFATHER PROVISION FOR THOSE INDUSTRIES WHICH ARE CURRENTLY WITHIN THE BOUNDARIES OF THE TOWN OF PARADISE AND WOULD BE REMOVED THEREFROM IF THIS PROPOSAL WERE IMPLEMENTED. (See Map F)

RECOMMENDATION 6.6(b)

IN THE ALTERNATIVE, IT IS PROPOSED THAT THE AREA OF THE OCTAGON POND INDUSTRIAL PARK WHICH IS NOW WITHIN THE JURISDICTION OF THE ST. JOHN'S METROPOLITAN AREA BOARD TOGETHER WITH A SMALL PORTION OF LAND ALONG THE MANUELS ACCESS ROAD AND BETWEEN IT AND THREE ISLAND POND BE ANNEXED TO THE TOWN OF CONCEPTION BAY SOUTH. (See Map G)


North
PARADISE
OCTAGON POND DEVELOPMENT AREA
CDA(I)
IG
RURAL
CDA(I)
RURAL
RR-4
OR
RURAL
MAP F:
OCTAGON POND DEVELOPMENT AREA UNDER JOINT AUTHORITY.
Elliott & Elliott Limited
Consulting Engineers
St. John's Newfoundland


North
TOWN OF PARADISE
OCTAGON POND DEVELOPMENT AREA
CDA(I)
IG
RURAL
INTO C.B.S.
CDA(I)
RURAL
RR-4
OR
RURAL
MAP G:
EXPANSION OF THE TOWN OF CONCEPTION BAY SOUTH TO INCLUDE PART OF THE OCTAGON POND DEVELOPMENT AREA.
Elliott & Elliott Limited
Consulting Engineers
St. John's Newfoundland

CONCEPTION BAY SOUTH

The Town of Conception Bay South requested that their boundary be expanded to include the developed areas along the Foxtrap Access Road which are currently not within the Town. The Commission has examined this proposal and agrees that the area should be annexed to the Town of Conception Bay South.

There are relatively few residents of the area and no additional council representation would be required. The area is geographically removed from any other municipality and can be serviced easily by the Town of Conception Bay South.

A portion of this land is currently zoned agricultural. The total of the agricultural lands designated in the area is very small and therefore does not warrant the protection of the Regional Authority. In addition, as in the case of the Town of Portugal Cove, a portion of this agricultural land is already within the boundaries of the Town of Conception Bay South. In these circumstances, the Commission does not see any reason why the area should not be annexed to the Town of Conception Bay South.

Since this area is very small and has few residents we have not dealt with the feasibility report criteria in detail.

RECOMMENDATION 6.7

THAT THE BOUNDARIES OF THE TOWN OF CONCEPTION BAY SOUTH BE EXPANDED TO INCLUDE THE DEVELOPED AREA ALONG THE FOXTRAP ACCESS ROAD. (See Map H)

MAP H
EXPANSION OF THE TOWN OF CONCEPTION BAY SOUTH TO INCLUDE THE FOXTRAP ACCESS ROAD AREA
Legend
Municipal Boundary
Proposed Expansion Area

PORTUGAL COVE

The Town of Portugal Cove has been closely associated with the existence of St. John's and environs almost from the time of Cabot's landfall. The Portuguese navigators, Gaspar and Joao Cortereal, are believed to have visited it and named it around 1501. Because of its propinquity to the future capital of the area, it was inevitably involved with the various raiding and pillaging by the French from Quebec and others, including the Dutch, around 1673.

The present-day Town of Portugal Cove was incorporated in 1977, the year which saw the incorporation of the neighbouring Town of St. Phillips and also of the Town of St. Thomas. The Town of Portugal Cove presently obtains its water from Blast Hole Pond and two neighbouring ponds, Little Pond and Cross Pond. Little Pond has been dammed and a small diversion channel has been constructed to augment the water supply. There are also five drilled community wells. The remainder of the homes have private ground water supplies. The Acres Report, supra , page 97. The Town provides other municipal services including garbage collection, street lighting and snowclearing.

Existing Situation

The population of the Town of Portugal Cove is approximately 2500. The Town has within its boundaries a certain amount of agricultural land. There is a poultry farm and a fur farm in the municipality. The Town is separated from the City of St. John's largely by the Windsor Lake watershed area. Its neighbour to the west, St. Phillips, is separated from the Town of Portugal Cove by an area of land known as the Old Broad Cove Road/Witch Hazel Road/Oliver's Pond area, part of which is designated agricultural land.

The water supply received from Blast Hole Pond is purely local in nature. Part of the protected watershed for that area is contained within the town boundaries and the other part is outside of those boundaries.

The subdivision of Windsor Heights is located on the north side of Portugal Cove Road and is bounded by the Town of Portugal Cove in the west, the Windsor Lake watershed area in the south and the agricultural land in the east.

The Downer and Shea subdivision on the Indian Meal Line is also outside of the town boundaries and is isolated from neighbouring towns by surrounding agricultural land.

In its presentation to the Commission at a public hearing at Portugal Cove on May 6, 1987, the Town of Portugal Cove expressed interest in acquiring jurisdictional control over (1) the Windsor Heights subdivision; (2) the lands along the Old Broad Cove Road not within the Windsor Lake watershed area; (3) the Blast Hole Ponds watershed area and the Downer and Shea subdivision.

The brief submitted by the St. John's Metropolitan Area Board recommended the extension of the eastern boundary of Portugal Cove to include Windsor Heights and the Downer and Shea subdivision. It also recommended the annexation by St. Phillips and/or Portugal Cove of the areas of the Old Broad Cove Road/Witch Hazel Road and Oliver's Pond which are not within the watershed of Windsor Lake.

Discussion of Proposed Boundary Expansions

BLAST HOLE POND WATERSHED AREA

The Blast Hole Pond Protected Watershed is identified in the Acres Report as a purely local source of water for the town of Portugal Cove. Part of that watershed area is contained within the town boundaries. Another part of the watershed is immediately adjacent to the town boundaries on the northeast.

The Town of Portugal Cove has expressed an interest in having development control of the Blast Hole Pond watershed area. Such control would be totally in keeping with the philosophy and proposals with respect to watersheds contained in Chapter 5 of this report. Since the preservation of that water supply system is purely a local concern in nature, the Town of Portugal Cove has the greatest interest in preserving its integrity for the future. The annexation of the remainder of the Blast Hole Pond's watershed to the Town of Portugal Cove would have no impact on the security of supply of clean water for the region.

INDIAN MEAL LINE/DOWNER AND SHEA SUBDIVISION

The Downer and Shea subdivision off the Indian Meal Line was approved for development in the early 1970's prior to any municipal jurisdiction in the area. It is located off the Indian Meal Line in close proximity to the boundary of the Town of Portugal Cove. There is also some limited development along that section of the Indian Meal Line.

Services provided by the St. John's Metropolitan Area Board to residents of the area are similar to the services provided by the Town of Portugal Cove to residents of the portion of Indian Meal Line just inside the Town's boundaries. A large tract of agricultural land commences on the Indian Meal Line just past the Downer and Shea subdivision. Our proposal with respect to that tract of agricultural land is dealt with in Chapter 5. A logical boundary expansion would follow the existing agricultural zone.

WINDSOR HEIGHTS

The Windsor Heights subdivision is situated just off Portugal Cove Road on Gladney's Arm. It was originally created as a residential area for families of some American and Canadian service personnel stationed at St. John's. It presently consists of approximately 73 residential units and 1 commercial unit. Assessed values of the properties in the area are approximately 4.8 million dollars.

The Windsor Heights subdivision is adjacent to the Town of Portugal Cove. It is completely surrounded by agricultural and watershed lands. In fact, several of the residences at the northern end of the Windsor Heights subdivision are actually within the agricultural development area and more at the southern end are within the Windsor Lake Protected Watershed. This area receives services, i.e. garbage collection, street lighting and fire protection from the St. John's Metropolitan Area Board. There are also a number of units along the eastern side of Portugal Cove Road which are within the agricultural development area.

OLD BROAD COVE ROAD/WITCH HAZEL ROAD/OLIVER'S POND AREA

Lying between the present boundaries of the Town of Portugal Cove, the Town of St. Phillips and the Windsor Lake Broad Cove River watershed is a relatively small tract of land

approximately half of which is agricultural land. The other half is residential and/or cottage development. Both the Town of Portugal Cove and the Town of St. Phillips are interested in acquiring these areas.

The Commission has done a detailed analysis of the advantages and disadvantages of annexing all or part of this area to the adjoining towns. The area North of the Old Broad Cove Road and along Witch Hazel Road between Portugal Cove and St. Phillips is designated agricultural land. It is presently primarily used for agriculture, although a certain amount of residential development has occurred. That agricultural land is part of a larger parcel of agricultural land the remainder of which is already in the Town of Portugal Cove.

The Town of St. Phillips has been successful in achieving the deletion of all agricultural land designations within its boundaries in the period between its incorporation in 1977 and 1981. It is therefore not presently administering agricultural land within its boundaries. There is no particular advantage or disadvantage to annexing this agricultural land to either municipality.

It is therefore proposed that the Portugal Cove town boundary be moved out to meet the boundary of St. Phillips, continuing all along that boundary to the intersection of Oliver's Pond Road with Old Broad Cove Road, following Oliver's Pond Road to the stream and continuing along the stream to Oliver's Pond and along the shoreline to the Windsor Lake watershed. Issues relating to the Oliver's Pond area will be dealt with in the section on St. Phillips.

Application of The Feasibility Report Criteria to the Proposals

Access of the people to elected and appointed officials:

If the areas referred to above were to be included in the Town of Portugal Cove, the residents would have better access to the Town's elected officers than to the appointed officials of the St. John's Metropolitan Area Board.

Representation in accordance with the distribution of population:

Residents are currently not represented on the Board. Inclusion in the Town of Portugal Cove would result in residents having the opportunity to participate in the local government election process. The Blast Hole Pond watershed does not appear to have any residents. The Windsor Heights subdivision and environs and the Indian Meal Line/Downer and Shea subdivision areas, while populated, are quite isolated and small. Neither area would warrant its own council representative nor would the expansions require the addition of another councillor to the Town's current complement. The Old Broad Cove Road/Witch Hazel Road area is relatively unpopulated and is designated as an agricultural development area. It, too, does not warrant its own representative on council.

In the Commission's opinion representation in accordance with the distribution of population for the annexed areas will be adequate.

Community identity:

Community identity is not a problem with respect to the Blast Hole Pond Watershed area.

No submission was received on behalf of people living in the Downer and Shea subdivision area on the Indian Meal Line. As already discussed, that area is quite isolated from other municipalities and residents already use many of the facilities in the Town of Portugal Cove.

The Windsor Heights Citizens' Committee has submitted to the Commission that it acknowledges that the logical place for it to go is the Town of Portugal Cove. Its only concern is that it might be required to carry an unfair share of the tax burden for services in the Town.

Community identity is a somewhat larger problem in the Old Broad Cove Road/Witch Hazel Road area. Both the Town Council of Portugal Cove and the Town Council of St. Phillips maintain that these areas are historically connected with their communities. The area in question is largely agricultural and has a common interest with other agricultural lands contiguous to it, most of which are in the Town of Portugal Cove. It is the view of the Commission that its agricultural status creates a closer tie with the Town of Portugal Cove than with the Town of St. Phillips.

In all cases, the populated sections are sufficiently similar in character to the Town of Portugal Cove as to be compatible. It is not felt that the local identity of the annexed areas will be affected.

Suitability and the need of the area for municipal servicing:

None of the areas under discussion are currently serviced by water and sewer. They are not likely to be serviced in the near future. Homes within the Town of Portugal Cove itself are serviced only in part. Other municipal services provided by the Town of Portugal Cove are similar to services provided to the areas proposed to be annexed.

Physical constraints to municipal servicing:

There do not appear to be any physical constraints to municipal servicing of these areas. The inhabited areas, i.e. those along the Indian Meal Line, Windsor Heights and Old Broad Cove Road/Witch Hazel Road are immediately adjacent to areas already serviced by the Town of Portugal Cove. The terrain is similar to that in Portugal Cove.

The Commission does not anticipate that it will be any more difficult to provide municipal services to the areas proposed to be annexed than it will be to extend services to areas already within the Town of Portugal Cove.

Administrative capability of the municipality:

There is no indication that the Town of Portugal Cove could not adequately administer these areas. The town is lacking in certain staff expertise in regards to planning and development control as are a number of the regions municipalities. This is not considered to be a negative factor as regulations are currently in place or are proposed in this report to deal with rural, and agricultural development as well as infrastructure requirements.

Coordination of municipal services and functions:

A problem is not anticipated with the coordination of municipal services and functions to the annexed areas.

Cost-efficiency:

The town should be able to provide administrative and municipal services to the four proposed expansion areas in a cost-efficient manner.

Feasibility in terms of revenues and expenditures:

The addition of these areas to the Town of Portugal Cove might result in some increased administrative cost and some increased operational cost. Local taxes should be sufficient to cover any increase in cost to the Council's operations.

The proposed boundary changes should have no negative impact on the financial position of the Town of Portugal Cove.

Equity/Taxpayers' ability to pay and benefits received:

Residents are currently paying a property tax of 4 mills to Metro Board for services received. Inclusion with the municipality of Portugal Cove would result in residents paying a property tax of 5 mills. There is no indication that residents would be unwilling or unable to pay these taxes.

Response of tax yields to changes in economic activity:

As the system of taxation under both administrations is similar, the response of tax yields to changes in economic activity would be about the same.

Equality among adjoining municipalities

(No comment required).

Simplicity of proposed municipal structure:

(No comment required).

Acceptability of proposals at local and regional levels:

Area residents in the Windsor Heights area are in full agreement with an expansion of the Town's municipal boundary to include those lands which are part of their community. No indication has been given by area residents of the other lands which the Commission proposes to annex to the Town of Portugal Cove. It is presumed that there is, therefore, no objection to such inclusion. The Commission feels the regulations in place for subdivision development, rural development and agricultural lands are sufficient to maintain the integrity of the regional plan as it applies to these areas if the areas are included in the Town of Portugal Cove.

RECOMMENDATION 6.8

THAT THE BOUNDS OF THE BLAST HOLE POND WATERSHED BE INCLUDED WITHIN THE TOWN BOUNDARY OF THE TOWN OF PORTUGAL COVE.

RECOMMENDATION 6.9

THAT THE BOUNDARY OF THE TOWN OF PORTUGAL COVE BE EXPANDED TO INCLUDE THAT LAND AREA ON THE INDIAN MEAL LINE INCLUDING THE DOWNER AND SHEA SUBDIVISION. THE NEW BOUNDARIES TO COMMENCE AT THE INTERSECTION OF THE AGRICULTURAL ZONE WITH THE EXISTING TOWN BOUNDARY FOLLOWING THE BOUNDS OF THE ZONE IN A GENERALLY NORTHEASTERLY DIRECTION THENCE TURNING AND CONTINUING ALONG THE BOUNDS OF THE ZONE IN A NORTHERLY DIRECTION TO ITS INTERSECTION WITH A DIRT LANE THENCE TURNING AND FOLLOWING THAT LANE IN A GENERALLY SOUTHWESTERLY DIRECTION TO ITS INTERSECTION WITH THE TOWN'S CURRENT BOUNDARY. (See Map I)

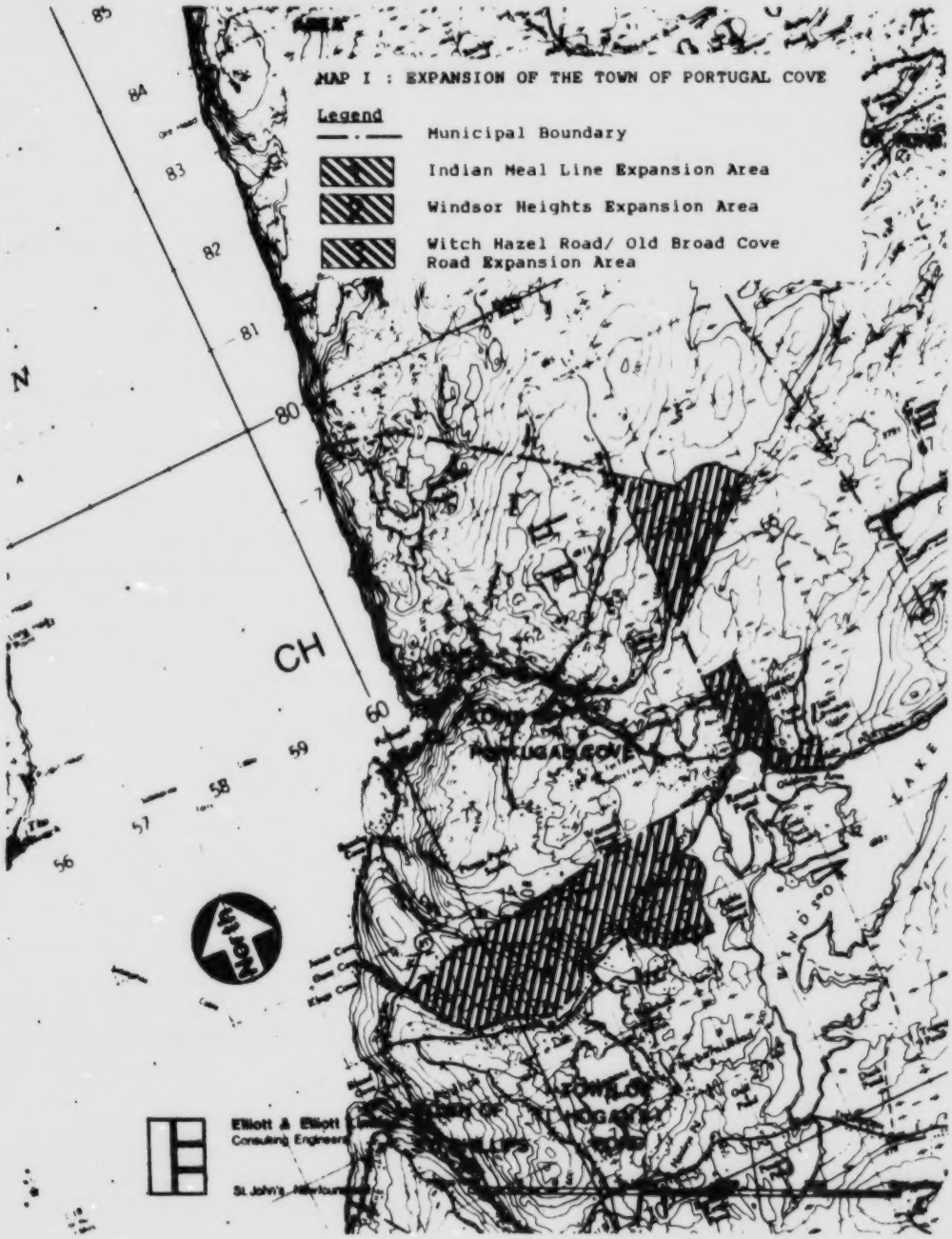
RECOMMENDATION 6.10

THAT THE BOUNDARY OF THE TOWN OF PORTUGAL COVE BE EXPANDED TO TAKE IN THE WINDSOR HEIGHTS SUBDIVISION AND CERTAIN RESIDENTIAL UNITS ALONG PORTUGAL COVE ROAD WHICH ARE NOT WITHIN THE WINDSOR LAKE-OLD BROAD COVE RIVER PROTECTED WATERSHED. THE NEW BOUNDARY SHOULD BEGIN AT THE INTERSECTION OF THE WATERSHED BOUNDARY WITH THE EXISTING TOWN BOUNDARY FOLLOWING THE BOUNDS OF THE WATERSHED IN A GENERALLY EASTERLY DIRECTION TO THE GENERAL LIMIT OF THE RESIDENCES ON JOYCE AVENUE, THENCE TURNING AND FOLLOWING IN A GENERALLY SOUTHERLY DIRECTION TO INCLUDE THOSE RESIDENCES ALONG WINDSOR HEIGHTS WHICH ARE IN THE WATERSHED, THENCE RETURNING TO THE BOUNDS OF THE WATERSHED AND FOLLOWING SAID BOUNDS TO THE SWINE BREEDING STATION ACCESS ROAD, THENCE FOLLOWING SAID ACCESS ROAD TO THE BROOK, THENCE TURNING AND FOLLOWING THE BROOK TO THE SOUTHERN END OF THE FIRST POND, THENCE FOLLOWING THE SHORELINE OF THE POND TO THE BROOK, THENCE TURNING AND FOLLOWING SAID BROOK IN A GENERALLY SOUTHWESTERLY DIRECTION TO THE SECOND POND, THENCE TURNING AND FOLLOWING THE SHORELINE OF THE POND TO THE BOUNDARY OF THE AGRICULTURAL DEVELOPMENT AREA (A.D.A), THENCE FOLLOWING THE BOUNDS OF THE A.D.A IN A NORTHEASTERLY DIRECTION TO ITS INTERSECTION WITH BUDGEN DRIVE, THENCE LEAVING THE BOUNDS OF THE A.D.A TO INCLUDE THE RESIDENTIAL LANDS ALONG SAID DRIVE, THENCE RETURNING TO THE BOUNDS OF THE A.D.A AND FOLLOWING SAID BOUNDS ALMOST TO ITS INTERSECTION WITH WINDSOR HEIGHTS, THENCE TURNING AND RUNNING PARALLEL TO WINDSOR HEIGHTS TO INCLUDE THOSE RESIDENCES AT THE NORTHERN END OF THE ROAD, THENCE TURNING AND FOLLOWING IN A GENERALLY WESTERLY DIRECTION TO INTERSECT WITH THE TOWN'S EXISTING BOUNDARY. (See Map I)

RECOMMENDATION 6.11

THAT THE SOUTHEASTERN BOUNDARY OF THE TOWN OF PORTUGAL COVE BE EXPANDED TO MEET THE BOUNDARY OF THE TOWN OF ST. PHILLIPS CONTINUING ALONG THAT BOUNDARY TO THE INTERSECTION OF OLIVER'S POND ROAD WITH OLD BROAD COVE ROAD, THENCE FOLLOWING OLIVER'S POND ROAD TO THE SMALL STREAM, THENCE TURNING AND FOLLOWING ALONG THE STREAM IN A GENERALLY SOUTHEASTERLY DIRECTION TO THE SHORE OF OLIVER'S POND AND THENCE TURNING AND RUNNING ALONG THE SHORELINE OF OLIVER'S POND IN A GENERALLY EASTERLY DIRECTION TO THE INTERSECTION WITH THE SHORE-

LINE OF THE NORTHERN LIMIT OF THE LANDS OWNED BY WILLIAM F. MURPHY (VOL. 70 FOL. 152) AND JOHN MURPHY (VOL 72 FOL 153) AND CONTINUING ALONG THIS LIMIT IN AN EASTERLY DIRECTION TO THE BOUNDARY OF THE WINDSOR LAKE OLD BROAD COVE RIVER PROTECTED WATERSHED THENCE FOLLOWING THE BOUNDS OF THE WATERSHED TO ITS INTERSECTION WITH THE EXISTING PORTUGAL COVE BOUNDARY. (See Map I)



ST. PHILLIPS

The Community of St. Phillips or Broad Cove as it is sometimes known, has existed since the 1700's. The original settlers were fishermen, farmers and wood cutters. Indeed several residents are still actively engaged in the fishing industry and farming is also a strong employer with several pig farms, chicken farms and root crop farming established throughout the community. There are also six sawmills operating in the municipality. These industries co-exist with residential development in the Town.

The Town of St. Phillips was incorporated in 1977. At that time, a considerable portion of the land within the Municipality was designated agricultural. By 1981, all agricultural designations had been removed from the Town's lands.

The Town of St. Phillips is essentially rural in nature. It does not assess a property tax at the present time as it has not been able to get the assessments completed by the Department of Municipal Affairs. The municipality does not provide water or sewer services to any of its residents.

Existing Situation

At the public hearings conducted by the Commission, the Town of St. Phillips indicated that it was interested in acquiring the Old Broad Cove Road/Witch Hazel Road/Oliver's Pond area as well as the King's Road/Bennett's Road/Thorburn Road area out to the parish hall all of which are currently under the jurisdiction of the St. John's Metropolitan Area Board. A private brief submitted by Mr. Clarence Button proposed that the Town of Hogan's Pond be disestablished and annexed to the Town of St. Phillips.

Discussion of Proposed Boundary Expansions

OLD BROAD COVE ROAD/WITCH HAZEL ROAD/OLIVER'S POND AREA

The Commission has already dealt with the annexation of a portion of this area to the Town of Portugal Cove in its section on Portugal Cove in this report. However, in that section, the Commission did not address the future of the Oliver's Pond Area.

Oliver's Pond is a small residential area located between the present boundaries of the Town of St. Phillips, the agricultural zone and the Windsor Lake Old Broad Cove River Protected watershed area. In fact, a part of the Oliver's Pond area is contained with the watershed area. The area has been designated for rural residential development with development requiring a lot size of 2 hectares (approximately 4.6 acres). There is no future foreseeable need for water and sewer services for the area provided that the current zoning is maintained.

At the public hearings, the residents of Oliver's Pond initially indicated that they would be opposed to annexation to the Town of St. Phillips. Since that time, one of their spokespersons has advised the Commission that the residents have had discussions with the Town of St. Phillips and, while they would prefer to remain under the jurisdiction of the St. John's Metropolitan Area Board, they are no longer vehemently opposed to annexation to the Town of St. Phillips. They have not indicated any interest in annexation to the Town of Portugal Cove.

HOGAN' POND AREA

The disestablishment of the Town of Hogan's Pond and its annexation to the Town of St. Phillips is dealt with elsewhere in this report under the heading of Further Municipal Restructuring.

KING'S ROAD / BENNETT'S ROAD / THORBURN AREA OUT TO THE PARISH HALL

The town boundaries of the Town of St. Phillips presently extend out Thorburn Road as far as the watershed area. The Commission recognizes that there are residents of the watershed area who traditionally consider themselves to be members of the St. Phillips community. However, being outside the jurisdiction of the Town of St. Phillips does not prevent these residents from enjoying their previous connection with the Town. To grant the request of the Town of St. Phillips to have this area included within its boundaries would be contrary to the philosophy of regional watersheds expressed in Chapter V of this report. The Commission, therefore, cannot recommend the annexation of this area to the Town of St. Phillips.

Application of The Feasibility Report Criteria to the Proposals

(The only annexation proposal which will be assessed in this section is the proposal to annex the Oliver's Pond area to the Town of St. Phillips.)

Access of the people to elected and appointed officials:

If this area were to be included in the Town of St. Phillips, the residents would have better access to the Town's elected officers than they presently have to the appointed officials of the St. John's Metropolitan Area Board.

Representation in accordance with the distribution of population:

There are presently only 15 homes in this area. Residents are currently not represented on the Board. Inclusion in the Town of St. Phillips would result in residents having the opportunity to participate in the election process. There are so few residents the area would not warrant its own council representative nor would the annexation require the addition of another councillor to the Town's current complement. Representation in accordance with the distribution of population, in any case, is felt to be adequate.

Community identity:

The residents of this area are a mixture of historical and new land owners. Mr. Clarence Button, who owns land in the Oliver's Pond area, has indicated his desire to become part of the Town of St. Phillips. The residents represented by the Oliver's Pond Citizens' Committee do not appear to have a strong objection to this proposal. The populated area is sufficiently similar in character to the neighbouring areas of the Town of St. Phillips to be compatible. In the Commission's opinion the local identity of the Oliver's Pond area will not be affected.

Suitability and the need for the area for municipal services:

Both areas are currently not serviced by water and sewer and are not likely to be serviced in the near future. The lands are largely designated rural and any subsequent development should be based on the rural development regulations. The area is very close to the Windsor

Lake - Old Broad Cove River Protected Watershed and development in the area should be very carefully controlled to minimize any negative impact on the watershed area.

Physical constraints to municipal servicing:

(See Above)

Administrative capability of the municipality:

There is no indication that the Town of St. Phillips could not do a satisfactory job of administering the area. The unavailability of staff expertise in the area of planning and development control is not considered to be an overwhelmingly negative factor provided that development is regulated in accordance with the regional plan.

Coordination of municipal services and functions:

The Town of St. Phillips is geographically in a better position to service the area. A problem is therefore not anticipated with the coordination of municipal services and functions.

Cost-efficiency:

The town should be able to provide administrative and municipal services in a cost-efficient manner.

Feasibility in terms of revenues and expenditures:

The addition of this area to the Town of St. Phillips should not result in any increased administrative costs and only minimal increased operational costs. Local taxes should be sufficient to cover any increase in costs to the Council's operations.

The proposed boundary change would therefore have no negative impact on the financial position of the Town of St. Phillips.

Equity - Taxpayers' ability to pay and benefits received:

Residents are currently paying a property tax of 4 mills to the St. John's Metropolitan Area Board for services received. Inclusion in the Town of St. Phillips will result in residents paying a poll tax which should be considerably less. There is no indication that residents will be unwilling or unable to pay these taxes. Services would be provided at least at the same level as received currently.

Response of tax yields to changes in economic activity:

The Town of St. Phillips would like to institute a property tax but it is awaiting assessment of the units within its jurisdiction by the Department of Municipal Affairs. In the future, the Town of St. Phillips will be administering a system of taxation similar to that administered by Metro Board hence the response of tax yields to changes in economic activity would be the same.

Equality among adjoining municipalities:

(No comment required).

Simplicity of proposed municipal structure:

(No comment required).

Acceptability of proposals at local and regional levels

Area residents and the inhabitants of the Town of St. Phillips are either in full agreement with the expansion of the Town's municipal boundary to include the Oliver's Pond area or are not strongly opposed to such annexation. Many of the residents of the Oliver's Pond area are concerned about their current zoning and large lot designations which they are anxious to preserve. The proximity of the area to the Windsor Lake-Broad Cove River Protected Watershed emphasizes the need for development control from a regional perspective.

RECOMMENDATION 6.12

THAT THE BOUNDARY OF THE TOWN OF ST. PHILLIPS BE EXPANDED TO MEET THE REVISED SOUTHEASTERN BOUNDARY OF THE TOWN OF PORTUGAL COVE, INCLUDING ALL THAT AREA OF OLIVER'S POND AND THE SURROUNDING LANDS, TO THE GENERAL LIMITS OF THE WINDSOR LAKE-BROAD COVE RIVER PROTECTED WATERSHED SUBJECT TO EXISTING ZONING AND LAND USE RESTRICTIONS. (See Map J)

POUCH COVE

According to Church of England records the Reverend Erasmus Stourton visited Pouch Cove Harbour in 1612 while making a parish visitation to Biscayan Cove, a small fishing village near Cape St. Francis. It is generally believed, however, that Pouch Cove did not become an established settlement until the latter part of the eighteenth century. J. B. Jukes, the first official geological surveyor of Newfoundland (1839-1841) noted that the only way into Pouch Cove, other then by sea, was by a woods path that ended in a narrow, winding crevice that barely allowed a broad-shouldered man to squeeze between the tall trees that lined the way. Since that time there is no doubt the Community has come a long way. From its beginnings as a tiny fishing hamlet on the isolated and rugged coast of the Northeast Avalon it has developed into a modern and fully serviced rural municipality.

The Town of Pouch Cove was first incorporated in 1970 and, like many of Newfoundland's small rural communities it, "has experienced difficult times."[9] The imposition of a system of property taxation has helped to relieve some of the financial burden through the provision of increased local revenues and government grants. Recently the town annexed the neighbouring municipality of Shoe Cove thereby increasing its population to 2,126. The town currently maintains and services a water and sewer system, a fire department, local by-roads and various recreational facilities. It also provides residents with street lighting and snow clearing services. Weekly garbage collection is contracted out and the municipal refuse is disposed at Robin Hood Bay.

The Existing Situation

The Town, in its presentation to the Commission, did not specifically request a change in its municipal boundary. The St. John's Metropolitan Area Board, in its brief to the Commission indicated that the area to the north of the Town, known as Cape St. Francis, could logically form a part of the municipality. These lands are currently undeveloped and unpopulated with the exception of a few summer residences. There is no apparent need to place this area under the municipal jurisdiction of the Town of Pouch Cove. In addition the Town has indicated it has concerns with obtaining jurisdiction over the area due to the relatively poor condition of the road leading to the Cape. After viewing the area the Commission concurred with the municipality's viewpoint that annexation would eventually result in demands on the Town Council to provide expensive municipal servicing including upgrading of the road. Further, it is the Commission's opinion that given the historical significance of the Cape St. Francis lighthouse this area should be designated either a provincial or federal historic site.

It became apparent during the Commission's examination of the above proposed boundary change that the Town's current municipal boundary includes a substantial portion of the Marine Drive Provincial Park. It is the Commission's opinion that such provincial lands should be excluded from the Town's municipal jurisdiction as the legislation pertaining to park lands essentially excludes Pouch Cove from exercising any authority within the park's boundaries. This park also does not contribute any revenues to the Town nor does it require any municipal services. The park does include a portion of the Pouch Cove Road. However, as all of this road is currently maintained by the Department of Transportation, removal of the park lands from the Town's jurisdiction would not result in any servicing problem nor would have a negative impact on the municipality.

Since this area has no population and is limited in the development which can occur, the feasibility report criteria are not dealt with in detail. The Commission does note that in its opinion the exclusion of the park lands from Pouch Cove's municipal boundary should not be totally unacceptable to the town given that the creation of the provincial park has already resulted in the removal of the town's authority in the area. The Commission also feels that the parks exclusion is acceptable from a regional perspective as no other provincial parks in the region are located wholly or partially with a municipality.

RECOMMENDATION 6.13

THAT THE MUNICIPAL BOUNDARY OF THE TOWN OF POUCH COVE BE REVISED TO EXCLUDE THAT PORTION OF MARINE DRIVE PARK CURRENTLY WITHIN THE TOWN'S JURISDICTION.

MOUNT PEARL

The 1941 Handbook, Gazetteer and Almanac of Newfoundland, by J. R. Smallwood which lists several hundred occupied and viable communities on the Island and in Labrador, makes no mention of Mount Pearl as a significant entity. Nevertheless this area has always been considered to be something of an adjunct to the capital city, first as a recreational and agricultural environment and now as a thriving dormitory community. The history of Mount Pearl dates back to the early 1800's when Royal Navy Commander Sir James Pearl took up residence in the area and commenced a large farming enterprise. Mount Pearl continued to be a focal point for agriculture and later more recreational pursuits, well into the 1900's. By the early 1930's the community entered into its first real development phase with the erection of a number of summer homes.

Housing development accelerated during the Second World War bringing with it a more permanent cast to the community; so much so that the St. John's City Council was empowered to exercise planning control, one mile outside its boundary. In 1952 *The St. John's Approaches Local Area Building (ALAB) Regulations* gave the Minister of Municipal Affairs building control beyond the City's one mile limit. The community was fully recognized in 1955 when the Town of Mount Pearl - Glendale was incorporated and its subsequent land area removed from the jurisdiction of the ALAB regulations.

Since that time the Town has experienced a phenomenal growth rate increasing from a 1955 population of 572 to 20,293 according to the 1986 Statistics Canada census figures. This growth has been accompanied by the provision of an increasing level of municipal services as befitting a modern urban community.

Today, while much of the Town's economy continues to revolve around its proximity to the City, the community has successfully developed its own commercial tax base beyond that of the neighbourhood businesses. One reason for the Town's commercial success has been the inclusion in its municipal jurisdiction of Donovans Industrial Park and a portion of Topsail Road from "Dodge City" to the Kenmount Overpass.

Existing Situation

The Town has indicated, based on a study prepared by DeLCan Limited, that it expects the population of Mount Pearl to rise to 47,000-57,000 within the next ten to twenty year period.[10] To accommodate this anticipated population explosion the Town recognizes the need for carefully planned development. It is on this basis that the Town is requesting the expansion of its southern boundaries to include a portion of those lands known as the "Southlands" including Cochrane Pond and beyond. The Town is also requesting the expansion of its eastern boundary to the proposed East/West Arterial Road. The Town has indicated in its brief to the Commission that these additional lands are necessary to allow the town to cope with the current population expansion in an orderly manner and to allow time for planning techniques to be put into place to deal with the anticipated future growth in the most effective, efficient and satisfactory manner.[11]

Discussion of Proposed Boundary Changes

THE COMMONWEALTH AVENUE EAST EXPANSION AREA

The Town of Mount Pearl already has jurisdiction over the land on the West side of Commonwealth Avenue. A relocation of the Town's municipal boundary to include the lands on the east side of the avenue to an approximate depth of 60m (200 ft.) is recommended by this Commission. This area is hereinafter referred to as the "Commonwealth Avenue East Expansion Area."

This land is currently zoned agricultural, however, the Commission concurs with the assessment by Metro Board that development has effectively made the area unsuitable for agricultural pursuits. The Department of Rural, Agricultural and Northern Development, Land Management Division also agrees that this strip of land along Commonwealth Avenue is no longer suitable for agricultural development and indicates that, for consistent development control, it should be included within the Town's jurisdiction.

The Commission does not agree, for reasons outlined in the agricultural lands section of this report, that it is desirable or necessary to include within any municipal jurisdiction any of the Kilbride agricultural lands located between the current boundaries of the Town and the City of St. John's bounded by the proposed East/West Arterial Road.

THE SOUTHLANDS EXPANSION AREA

The addition of the Southlands area to the Town's municipal jurisdiction was originally requested on October 29, 1986.

The Southlands area as outlined in the Town's original request extends along the Trans-Canada Highway to a point beyond the boundaries of Cochrane Pond Provincial Park including a large parcel of land currently zoned for agricultural development. At this time there is only limited road access into the area and population is sparse at an estimated 80 persons (1986 figures) for 3,830 acres. Estimated population figure was provided by Mount Pearl. The St. John's Metropolitan Area Board indicated the correct figure would be significantly lower. Currently all buildings in the area are related to rural residential and/or agricultural land use.

According to the revised St. John's Urban Region Regional Plan the area requested for boundary expansion by the Town has three land use designations; rural, provincial park, and agricultural development. Neither of these designations is conducive to an urban environment such as currently exists in Mount Pearl. There are, some indications that development of this area is already in the preliminary planning stages. Whether the proponents will be successful in obtaining permission to develop, however, remains to be seen.

The Mount Pearl Town Council indicated, in its brief to the Commission, a pressing need for additional lands to prevent urban sprawl and to allow the Town to plan effectively for its current and anticipated future population explosion. The Commission concedes the necessity to plan for urban development but questions whether it is necessary for the Town to add approximately 3,800 acres of undeveloped land to its municipal boundary given the relatively large sections of land within its current jurisdiction that have yet to be developed. The Commission is also concerned that the land in question, being outside of the Town's natural drainage basin, will prove to be uneconomic to service. Both Metro Board and the Department of Municipal Affairs have indicated a connection to the regional water supply or the Waterford Valley trunk sewer would require the installation of pumping and/or lift stations.

The Town also indicated during its presentation to the Commission its interest in including the Cochrane Pond Provincial Park within its municipal boundaries. The suggestion was that this day use Park would serve the communities of the region and primarily Mount Pearl in a manner similar to St. John's Bowring Park. The Commission has some difficulty including a Provincial Park within the boundaries of a municipality when the regulations respecting park lands essentially exclude the municipality from exercising any authority within the Park's boundaries. The Commission would also note that the Park is currently successfully serving the residents of Mount Pearl and surrounding communities, including the capital City, and would not appear to require inclusion with the municipality of Mount Pearl to continue doing so.

The Town is also interested in acquiring a relatively large segment of land currently zoned for agricultural development. For reasons put forward in the agricultural lands section of this report, the Commission is not in agreement with including within an urban municipality any portion of land designated for agricultural activity except in very limited circumstances.

The Commission is prepared to recommend a limited expansion of the boundaries of the Town of Mount Pearl into the Southlands Area exclusive of agricultural land and the Cochrane Pond Provincial Park. This expansion could be postponed until the area is ready for development if indeed development is necessary. This area is hereinafter referred to as the "Southlands Expansion Area."

Application of The Feasibility Report Criteria to the Proposals

Access of the people to elected and appointed officials:

Neither boundary expansion area has a significant population component. Nevertheless residents or tenants of buildings located along Commonwealth Avenue and in the Southlands Expansion Area would presumably have better access to the Town's offices and elected officials than to the appointed officials of Metro Board.

Representation in accordance with the distribution of population:

The addition of either or both of the proposed boundary expansion areas would not impact significantly on the Town's population distribution. Inclusion with Mount Pearl would result in residents having the opportunity to participate in the local government election process.

Community identity:

The Commonwealth Avenue East Expansion Area being a small strip of land immediately adjacent to the Town of Mount Pearl would have, by virtue of its proximity, a strong sense of identity with the Town.

The Southlands, with its small scattered population, does not exhibit any characteristics of community identity. However residents, by choosing to live in the area are indicating a preference for a rural environment. Given the distance of these residents from the developed areas of Mount Pearl it is unlikely residents have any sense of identity with the Town.

Suitability and the need of the area for municipal servicing:

The Commonwealth Avenue East Expansion Area is currently serviced by on-site wells and septic systems. There would be no difficulty in hooking into Mount Pearl's water and sewer systems in the future if required. In terms of other municipal services Mount Pearl is currently providing similar services to buildings located on the west side of Commonwealth Avenue.

The Southlands expansion area is rural in character and is serviced wholly by on-site water and sewer systems. Unlike the Commonwealth Avenue East Expansion Area, however, this part of the region is not likely to connect into either the regional water supply or the Waterford Valley trunk sewer due to the geographic and technical difficulties involved. The provision of other municipal services is an expensive proposition due to the distance involved.

Physical constraints to municipal servicing:

There are no significant physical constraints to municipal servicing in the Commonwealth Avenue East Expansion Area. Servicing of the Southlands, however, poses numerous problems due to the distances involved and the elevation of the land.

Administrative capability of the municipality:

There is no indication the Town of Mount Pearl could not do asatisfactory job in administering the two expansion areas. The sole concern would be the existing land use designations in the Southlands Expansion Area and the perceived potential for additional pressure for development if these lands are removed from the jurisdiction of a more regionally oriented authority.

Coordination of municipal services and functions:

The addition of the Commonwealth Avenue East Area to the town's municipal jurisdiction is logical from the point of view of the coordination of municipal services and functions to the area. Geographically there is no real servicing advantage to be gained by placing the Southlands Expansion Area with Mount Pearl. The Town of Mount Pearl is not now servicing a dispersed rural population.

Cost-efficiency:

It is debatable if the Town could service the Southlands Expansion Area any more economically then the current St. John's Metropolitan Area Board or the proposed Regional Authority. The Town could, however, administer the Commonwealth Avenue East Expansion Area in a cost-efficient manner.

Feasibility in terms of revenues and expenditures:

Annexation of the Commonwealth Avenue East Expansion Area should have no significant impact on the financial position of the Town of Mount Pearl. There is some potential for increased costs associated with servicing the Southlands Expansion Area.

Equity - Taxpayers' ability to pay and benefits received:

Residents are currently paying a residential property tax of 4 mills to Metro Board for services received. Inclusion with the municipality of Mount Pearl could result in residents of the Southlands Expansion Area paying a residential property tax of 7.2 mills. This is considered inappropriate by the Commission given the level of services the area can presently receive. The area should pay a rural residential property tax consistant with neighbouring rural municipalities. There is no indication residents of the Commonwealth Avenue East Expansion Area would be unwilling or unable to pay the higher tax rate.

Response of tax yields to changes in economic activity:

As the system of taxation under both Metro Board and Mount Pearl is similar, the response of tax yields in either case would be the same.

Equality among adjoining municipalities:

(No Comment Required.)

Simplicity of proposed municipal structure:

(No Comment Required)

Acceptability of proposals at local and regional levels:

No comments were received from the residents of the Southlands Expansion Area or the Commonwealth Avenue East Expansion Area concerning the proposed annexations.

From a regional perspective, the advisability of adding land that cannot be economically serviced to the jurisdiction of a municipality that has indicated it requires the additional land to plan for future development is somewhat questionable. On the other hand, if development does occur in this area it would be in the best interest of the region if the area were under the authority and control of a municipality. Mount Pearl, as the closest municipality is the obvious choice.

RECOMMENDATION 6.14

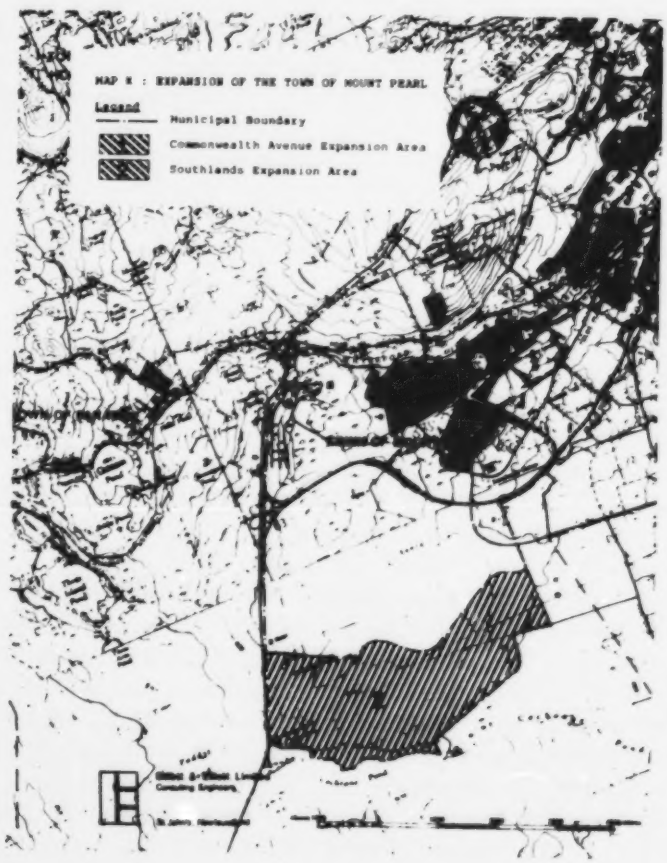
THE COMMISSION RECOMMENDS THAT THE MUNICIPAL BOUNDARY OF MOUNT PEARL NOT BE EXPANDED TO INCLUDE THAT PORTION OF THE KILBRIDE FARMLANDS TO THE LIMIT OF THE PROPOSED EAST/WEST ARTERIAL ROAD.

RECOMMENDATION 6.15

THE COMMISSION RECOMMENDS THAT THE MUNICIPAL BOUNDARY OF MOUNT PEARL BE EXPANDED TO INCLUDE THE LAND ON THE EASTERN SIDE OF COMMONWEALTH AVENUE TO A DEPTH OF APPROXIMATELY 60 METERS (200FT.) FROM THE COMMONWEALTH AVENUE RIGHT-OF-WAY. (See Map K)

RECOMMENDATION 6.16

THE COMMISSION RECOMMENDS THAT THE MUNICIPAL BOUNDARY OF MOUNT PEARL BE EXPANDED TO INCLUDE THOSE LANDS REFERRED TO AS THE "SOUTHLANDS" BUT EXCLUDING COCHRANE POND PROVINCIAL PARK AND THOSE PORTIONS OF THE AGRICULTURAL DEVELOPMENT AREA. FURTHER THAT IMPLEMENTATION OF THIS RECOMMENDATION BE DELAYED UNTIL SUCH TIME AS IT IS DEEMED NECESSARY FOR DEVELOPMENT TO PROCEED. THE NEW BOUNDARY DELINEATION WOULD EXTEND FROM THE SOUTHWESTERN INTERSECTION OF THE TOWN'S BOUNDARY ALONG THE TRANS CANADA HIGHWAY TO THE BOUNDARY OF COCHRANE POND PROVINCIAL PARK, THENCE TURNING AND FOLLOWING THE PARKS BOUNDARY IN A SOUTHEASTERLY DIRECTION TO THE NORTHEAST EDGE OF COCHRANE POND, THENCE CONTINUING ALONG THE POND TO THE INTERSECTION WITH THE AGRICULTURAL ZONE THENCE TURNING AND FOLLOWING THIS ZONE IN A NORTHEASTERLY DIRECTION TO ITS INTERSECTION WITH THE TOWN'S EASTERN BOUNDARY. (See Map K)


MAP K : EXPANSION OF THE TOWN OF MOUNT PEARL
Legend
Municipal Boundary
Commonwealth Avenue Expansion Area
Southlands Expansion Area

PETTY HARBOUR - MADDOX COVE

The history of the communities of Petty Harbour and Maddox Cove is as long and as steeped in tradition as the history of the Newfoundland fishery. First used by fishermen in the 1500's these communities faced hardships and adversities that twice saw major portions of the settlement burned to the ground. Since that time the residents of Petty Harbour and of Maddox Cove have persevered and their pride can be readily seen in the houses and businesses forming the community they call home.

The Town of Petty Harbour - Maddox Cove was first established as a Local Improvement District in 1966. Local government was provided by an appointed Local Improvement Council. In 1972, the residents of the two communities petitioned Government to dissolve the appointed council and replace it with an elected one. In November of that year the two communities were incorporated as a town and an elected council was put in place. Local government has continued in this form and has seen the community of Petty Harbour fully serviced with water and sewer; the community of Maddox Cove serviced with water; and thep rovision of other municipal services including garbage collection, street lighting and snow clearing to the residents of both communities.[13]

Today the Town's economy continues to be centered around the fishing industry with approximately 140 boats and three fish plants based in the community. Petty Harbour - Maddox Cove, once threatened by a steadily declining population and instability in the inshore fishery, has rebounded to the point that the community's total population now stands at 974 up 121 persons from the 1981 figure of 853.[14] This increasing population coupled with the necessity for resident proximity to their place of work, the sea, has resulted in increased development pressure on the community.

The Existing Situation

The designation of the Freshwater Bay area as an industrial sector for potential development in conjunction with the offshore petroleum industry holds additional potential for community development.[15] Land speculation, precipitated by the Freshwater Bay decision, has already resulted in somewhat of a land shortage within the two communities. All of the developable land inside of the Town's municipal boundary is currently privately owned. With the exception of approximately thirty-five building lots located in the Motion Bay Subdivision, none of this land is available for resale. In the community of Petty Harbour itself there is no land remaining that is suitable for development.

The municipal boundaries of Petty Harbour - Maddox Cove have not been altered since the town was incorporated in 1972. Residents maintain the boundaries established at that time were arbitrarily drawn with little reference to historical land ownership or land use. In a brief presented to the Commission the Town Council indicated that residents of the community or their descendants who wish to reside in the area, and who have a historic claim to land on its outskirts, have been unable to build new homes or have been forced to find living accommodations elsewhere. As a result the council is requesting "the reestablishment of the original boundaries of the communities." Brief to the Public Hearing St. John's Metropolitan Area Feasibility Study; Petty Harbour - Maddox Cove Town Council, May 5, 1987, page 2.

Within the context of this statement the Town is requesting the expansion of their southernmost boundary to include the Anglican Cemetery and seven residential units to which the Town provided municipal services as late as 1986 (hereinafter referred to as the "Southern Expansion Area"). Petty Harbour - Maddox Cove is also requesting the expansion of their northernmost boundary to include those lands along the Maddox Cove Road historically linked to the community (hereinafter referred to as the "Northern Expansion Area"). The exact area the Town is requesting in both cases was not specified.

Discussion of Proposed Boundary Expansions

SOUTHERN EXPANSION AREA

The addition of the southern expansion area to the Town's municipal jurisdiction is logical not just from a geographical standpoint, but also, and even more so, from the point of view of the religious and sociological importance to the community of having the unqualified responsibility of taking care of the last resting place of their forbears, relatives and friends. In terms of the quantity of land involved it should be noted that the nature of the terrain just about precludes the likelihood of further residential initiatives in the area. It is therefore the Commission's opinion that this area should be included as part of the municipality of Petty Harbour - Maddox Cove.

NORTHERN EXPANSION AREA

The addition of the Northern Expansion Area to the Town's municipal jurisdiction is somewhat more difficult to deal with primarily because of the land use designations in effect for the area. It is also complicated by the fact that the Town made no specific request. With no precise area to investigate the Commission had no choice but to consider the area in its entirety including the Petty Harbour Long Pond Protected Watershed. To do so the Commission conducted an on-site evaluation of the area.

The current Petty Harbour-Maddox Cove municipal boundary encloses a portion of the Petty Harbour - Long Pond Protected Watershed including the area known as the Petty Harbour Ponds. This watershed serves as a water supply for part of the City of St. John's and, more recently, for Petty Harbour and part of Maddox Cove. As Petty Harbour - Long Pond has been recognized by the Commission as a regional watershed, and as the Regional Authority would be responsible for the administration of regional resources, it would be reasonable for this area to be excluded from the Town's jurisdiction.

The removal of the watershed lands would have no impact on the municipality in terms of finances or representation. Due to the Watershed's protected designation and its location in the "backlands" the reduction in land base would also have no negative impact on the town's future development. The exclusion of the Petty Harbour-Long Pond Protected Watershed from the town's municipal limits underlines the Commission's deep seated concern for the security of "clean water" throughout the region.

The Town of Petty Harbour - Maddox Cove is designated as a Local Urban Growth Center under the St. John's Urban Region Regional Plan. The intent of this designation and of the plan is:

1. to encourage development to concentrate within defined urban areas; and
2. to allow for and encourage the fullest growth and development of individual communities within the region.[17]

At the same time the regional plan has a mandate to protect the rural and resource lands in the region for future generations. Regional Plan, supra, pages 2 and 3. These three objectives obviously have potential for conflict. The northern expansion area is one such case where land use conflict occurs.

According to the revised St. John's Urban Region Regional Plan the area requested for boundary expansion by the Town has four land use designations; rural, scenic route, forestry and the Freshwater Bay Industrial Development Area. The area in question has been targeted for non-urban development. As such, it has been recognized by the regional plan that the land has particular physical qualities that require its uses to be carefully controlled. The area is generally composed of undeveloped woodland with steep slopes and marshy areas predominanting.

The Petty Harbour - Maddox Cove Town Council indicated in its brief to the Commission, a pressing need for additional inexpensive lands for rural residential development. In requesting the alteration of the town's municipal boundary the council indicated that the Maddox Cove Road area as far north as the Cape Spear Highway has always been considered a part of their community with the original landowners all being residents of Maddox Cove and, furthermore, with the current landowners all being descendants of those original families. The Commission concedes the strong historical link of the community to the lands along the Maddox Cove Road through its resident landowners. The Commission also notes, however, that resident ownership is generally clustered on those lands close to the present Petty Harbour - Maddox Cove Boundary, the limit of this property ownership being marked by a blazed tree.

The Commission is not convinced that the designation "scenic route" for the entire Maddox Cove Road is accurate and justified. Their own "on the ground" inspection revealed that much of the 1.4 kms from the present Maddox Cove boundary to the so-called "blazed tree" point has very little scenic merit on either side. It is only beyond this point that motorists and pedestrians begin to see the scenic beauty of Freshwater Bay and the St. John's shoreline coming in view. Moreover, this point of reference, is also the general limit (excepting one or two small land holdings near the Cape Spear Highway) of the land privately owned by families who are descended from the original settlers. Furthermore the "blazed tree" is also in the general vicinity of the beginning of the Freshwater Bay Development Area as established under *The Development Areas Lands Act.* The designation of the Freshwater Bay area as an industrial sector for potential development in connection with the "offshore" petroleum industry is seen as a possibility for growth in the community. At the same time there seems to be an unexpressed fear that such development might encroach on the Maddox Cove - Petty Harbour municipality. This seems to lend some support for the creation of a northeast buffer zone.

The Commission's visual inspection bolstered the town's viewpoint as contained in their brief that steep and rocky terrain in the waterfront part of their community and in the backlands militate against the provision of building lots for all but a limited number of homes and premises. The Motion Bay Subdivision, located in Maddox Cove, does provide some room for additional residential development but not necessarily the type of rural development that

currently characterizes the area. It is the Commission's opinion Petty Harbour - Maddox Cove requires some additional land area to allow the community to grow and develop within the region.

Application of The Feasibility Report Criteria to the Proposals

Access of the people to elected and appointed officials:

If the Southern and Northern Expansion Areas were to be included in Petty Harbour-Maddox Cove the residents would presumably have better access to the Town's elected officers than to the appointed officials of Metro Board.

Representation in accordance with the distribution of population:

Residents are currently not represented on the Board. Inclusion with Petty Harbour-Maddox Cove would result in residents having the opportunity to participate in the election process. The northern expansion area has no permanent residents and the southern area is so small in terms of population, neither would warrant its own council representative nor would the expansions require the addition of another councilor to the Town's current complement. It is the Commission's opinion that representation in accordance with the distribution of population would be adequate.

Community identity:

Residents have generally always considered the two areas to be a part of the Petty Harbour - Maddox Cove community. The populated section is sufficiently similar in character to the Town to be compatible.

Suitability and the need of the area for municipal servicing:

Both areas are not currently serviced by water and sewer and given the nature of the terrain and the small number of residents involved, are not likely to be serviced in the near future. The lands in the northern expansion area are largely designated rural and any subsequent development would, by necessity, be based on the rural development regulations. This would preclude the need for water and sewer linkups. The adjoining community of Petty Harbour is fully serviced and it is conceivable the homes in the southern area could be connected to that community's system if required and if the connection was economically feasible. It is noteworthy that Petty Harbour - Maddox Cove, prior to 1986 was already providing a range of municipal services to the southern area residents on their request. There is no indication provision of these services could not be resumed again.

Physical constraints to municipal servicing:

(See above)

Administrative capability of the municipality:

The Town of Petty Harbour - Maddox Cove is capable of satisfactorily administering the proposed expansion areas. While the Town is lacking in terms of the staff expertise currently available to residents of the expansion areas this is not felt to be an overwhelmingly negative factor due to the regulations now in place dealing with scenic routes and with rural development and infrastructure requirements.

Co-ordination of municipal services and functions:

The Town of Petty Harbour - Maddox Cove is in a better position geographically to coordinate municipal services and functions.

Cost-efficiency:

The Town of Petty Harbour - Maddox Cove should be able to provide municipal services and functions to the expansion areas in a cost-efficient manner.

Feasibility in terms of revenues and expenditures:

The addition of these areas to Petty Harbour - Maddox Cove should not result in any increased administrative cost and only minimal increased operational costs. Local taxes should be sufficient to cover any increase in costs to the Councils operations. The proposed boundary changes would therefore have no negative impact on the financial position of the Town of Petty Harbour - Maddox Cove.

Equity Taxpayers' ability to pay and benefits received:

Residents are currently paying a property tax of 4 mills to Metro Board for services received. Inclusion with the municipality of Petty Harbour - Maddox Cove would result in residents paying a property tax of 4.5 mills and a poll tax of $75.00. There is no indication residents would be unwilling or unable to pay these taxes. Services would be provided at the same level as received currently.

Response of tax yields to changes in economic activity:

As the system of taxation under both administrations is similar, with the exception of Petty Harbour's poll tax, the response of tax yields to changes in economic activity would be basically the same.

Equality among adjoining municipalities:

(No Comment Required.)

Simplicity of proposed municipal structure:

(No comment required)

Acceptability of proposals at local and regional levels:

Area residents and the inhabitants of the Town of Petty Harbour - Maddox Cove are apparently in full agreement with an expansion of the Town's municipal boundary to include any part of those lands considered historically to be a part of their community. The Commission feels the regulations in place for subdivision and rural development to be sufficient to maintain the integrity of the regional plan as it applies to these areas if the areas are included in the Town.

RECOMMENDATION 6.17

THE COMMISSION RECOMMENDS THAT THE SOUTHERN BOUNDARY OF THE TOWN OF PETTY HARBOUR - MADDOX COVE BE MOVED TO TAKE IN THE ANGLICAN CEMETERY AND AFOREMENTIONED RESIDENTIAL UNITS. THE NEW BOUNDARY SHOULD BEGIN NEAR THE NEWFOUNDLAND LIGHT AND POWER PENSTOCK AND PROCEED TOWARDS THE SOUTHEAST SIDE OF FIRST POND, FROM THERE TO THE UPPER PART OF SECOND POND TO ENCLOSE BOTH HOMES AND CEMETERY; HENCE GENERALLY EASTWARD ALONG THE 57TH PARALLEL OF LATITUDE TO COUNCIL

COVE (MOTION BAY) AND THEN GENERALLY NORTHWEST ALONG THE SHORELINE TO HORSESHOE CLIFF, THE SOUTHEASTERN TERMINAL POINT OF THE PRESENT BOUNDARY. (See Map L)

RECOMMENDATION 6.18

THAT THE WESTERN PORTION OF THE EXISTING BOUNDARY BE MOVED SO AS TO EXCLUDE THE AREA OF THE PETTY HARBOUR - LONG POND PROTECTED WATERSHED CURRENTLY INCLUDED IN THE TOWN'S JURISDICTION SUBSTITUTING THE WATERSHED DELIMITATION AS FAR TO THE NORTHEAST AS THE PUNCH MILE GULLIES; THENCE BEARING DUE EAST TO MADDOX COVE POND THROUGH THE "BLAZED TREE" POINT MARKING THE GENERAL LIMIT OF PROPERTY OWNERSHIP ALONG THE MADDOX COVE ROAD; THENCE DUE SOUTH TO THE NORTHEAST CORNER OF THE PRESENT BOUNDARY TO THREE PEA HILL AND CONTINUING TO THE SHORELINE AT GUNNERS HOLE ON MOTION BAY. (See Map L)

GOULDS

Like Petty Harbour before it, the Town of Goulds has had a long and sometimes turbulent history. Located just two miles from Petty Harbour and about eight miles from St. John's, the community lies on a route which was used on several occasions in the 17th and 18th centuries by French troops on their way to attack St. John's. The area was originally settled by Irish immigrant farmers on the 18th and 19th centuries. Today the community, while many times its original size, has largely retained its rural character and agricultural base.

The Town of Goulds was first incorporated as a municipality in 1971. Since that time it has experienced relatively steady growth, surpassing the 4,600 population mark in the last (1986) census. This growth has resulted in ever increasing urbanization pressure on the Town's arable lands and has created a need for the provision of a number of municipal services. Currently, the Town provides water and sewer to approximately half of its residents. All residents receive garbage collection, street lighting, snow clearing and animal control. The Town also has its own volunteer fire department.

Existing Situation

The Town Council during its presentation to the Commission indicated its willingness to include within its municipal jurisdiction, Metro Board lands contiguous to the Town's boundary, in the event that the Board was disestablished. While the Council did not specify the exact bounds of the area it would be prepared to administer, it did indicate it would expect those lands to include the Bay Bulls - Big Pond Protected Watershed.

The Commission does not believe that it is necessary or desirable to expand the Town's boundaries to that extent. The Town's municipal boundary should be expanded to meet the northern bounds of the Bay Bulls-Big Pond Protected Watershed so as to include the homes in that area within the Town of the Goulds.

This proposal would add approximately 55 hectares of generally undeveloped and low-lying land to the Town's jurisdiction. Development is limited to seven rural residences with a total estimated population of 30 persons. The area is not currently serviced with water or sewer, however, the St. John's Metropolitan Area Board does provide street lighting and garbage collection in addition to soft services. The Southern Shore Highway, which passes through the area, is maintained by the Department of Transportation.

Application of the Feasibility Report Criteria to the Proposal

Access of the people to elected and appointed officials:

Inclusion of this area within the municipal jurisdiction of the Goulds would presumably give residents better access to the Town's elected officials than to the appointed officers of Metro Board.

Representation in accordance with the distribution of population:

Residents are currently not represented on the Board. Inclusion with the Goulds would result in residents having the opportunity to participate in the local government process. The

population is so small, however, the area would not warrant its own council representative nor would the expansion require the addition of another councillor to the Town's current complement.

Community identity:

No representation was received on behalf of the areas residents. Given the proximity of the area to the Town and the location of the road network it would be reasonable to assume area residents already consider themselves to be a part of the community.

Suitability and the need of the area for municipal servicing.

The area is currently unserviced by either water or sewer. Given the rural residential nature of the development such services should not be required, at least not in the near future. In terms of the provision of other municipal services there is no indication the Town would not be capable of expanding its current services to this area.

Physical constraints to municipal services:

None.

Administrative capability of the municipality:

Considering the number of residences in the area and the attendant small population the Town would not have any difficulty in handling its increased jurisdiction within its current administrative structure.

Coordination of municipal services and functions:

Given the Town's geographic proximity it would be able to coordinate municipal services and functions in a cost efficient and effective manner.

Cost-efficiency:

(See above).

Feasibility in terms of revenues and expenditures:

The addition of this area to the Goulds should not result in any increased administrative cost and only minimal increased operational costs. Local taxes should be sufficient to cover any increase in costs to the councils operations.

Equity Taxpayers' ability to pay and benefits received:

Residents are currently paying a property tax of 4 mills to Metro Board for services received. Inclusion with the municipality of Goulds would result in residents paying a property tax of 5 mills and a poll tax of $75.00. There is no indication residents would be unwilling or unable to pay.

Response of tax yields to changes in economic activity:

As the system of taxation under both administrations is similar, with the exception of the Goulds poll tax, the response of tax yields to changes in economic activity would be the same.

Equality among adjoining municipalities:

(No Comment Required).

Simplicity of proposed municipal structure:

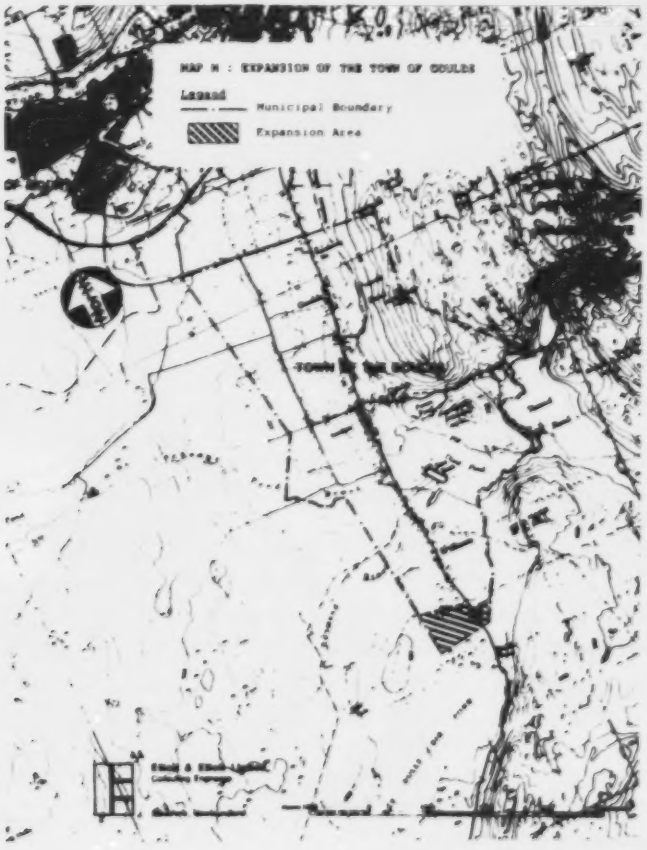
(No Comment Required).

Acceptability of proposal at local and regional levels:

No comments were received on the proposed expansion from either the Town Council or residents in the area. It is assumed, given the Town's previous indication of its willingness to extend its jurisdiction, that the proposal is acceptable.

RECOMMENDATION 6.19

THAT THE MUNICIPAL BOUNDARY OF THE TOWN OF GOULDS BE EXPANDED TO INCLUDE THOSE RESIDENCES ALONG THE SOUTHERN SHORE HIGHWAY LOCATED BETWEEN THE TOWN'S SOUTHERNMOST BOUNDARY AND THE NORTHEASTERN CORNER OF THE BAY BULLS-BIG POND PROTECTED WATERSHED. THE NEW BOUNDARY WOULD EXTEND IN A STRAIGHT LINE FROM THE SOUTHWESTERN CORNER OF THE EXISTING MUNICIPAL BOUNDARY TO THE BOUNDS OF THE PROTECTED WATERSHED, THENCE TURNING AND FOLLOWING THAT BOUNDARY IN A GENERALLY NORTHEASTERLY DIRECTION TO A POINT IMMEDIATELY SOUTH OF THE SOUTHEASTERN CORNER OF THE EXISTING MUNICIPAL BOUNDARY, THENCE TURNING AND FOLLOWING IN A GENERALLY NORTHERN DIRECTION TO THE AFORESAID SOUTHEASTERN CORNER. (See Map M)



LOCAL SERVICE AREAS (DISTRICTS)

The Municipalities Act creates two different bodies, both of which are called local service districts. They are not, however, the same thing.

Sections 629 through 644 of *The Municipalities Act* provide for local service districts of the nature commonly thought of as local service districts in Newfoundland and having the same functions as local service districts under the predecessor legislation to *The Municipalities Act.* These local service districts are controlled and managed by a local service district committee which is elected.

The local service district committee is a corporation having the power to contract for or construct, acquire, establish, own and operate a public water supply system, a public sewerage system and related facilities; to contract for fire protection or provide same; and to take care of garbage collection and disposal, street lighting and such additional services as Cabinet might designate. Such committees may borrow for capital expenditures and they may charge a fee for service to the residents or to the users of the system. This type of local service district committee is essentially self-government for the district designated.

Section 307 of *The Municipalities Act* also provides for the creation of "local service districts". In the latter case, it is a regional council which may establish local service districts in those parts of the region that are not governed by a city, town or community council. These are areas in which the regional council exercises the same jurisdiction as a municipality would if it had jurisdiction over the area.

Where this type of local service district is created the regional council may provide for an advisory committee to be elected by public meeting from voters in the district and may establish the size and procedures of the advisory committees. These advisory committees have no administrative function. They may be given the right to recommend on the application of provincial grants received with respect to the district; to recommend on the provision of services in the district requiring additional taxes, rates or charges; and to recommend on local planning and development control and on any other matter relating to local government in the district. The regional council may charge different taxes or rates in different local service districts created under section 307.

It appears from the legislation that a Section 629 local service district ceases to exist when a regional council assumes municipal jurisdiction over lands outside of existing municipalities. The regional council assumes the servicing powers and responsibilities. The local service district committee is deemed to be a local service district advisory committee until the regional council provides for an election of an advisory committee pursuant to section 308.

There are presently no section 629 local service districts in the St. John's Urban Region.

The two types of "local service districts" are clearly very different from one another. The use of the same terminology is, therefore, confusing and sometimes misleading. The Commission recommends that the legislation be amended to eliminate the ambiguity. In this chapter, "local service districts", as contemplated by section 307, shall be referred to as "local service areas". Section 629 local service districts shall continue to be called "local service districts."

RECOMMENDATION 6.20

THAT *THE MUNICIPALITIES ACT* SECTIONS 307 AND 308 BE AMENDED TO REMOVE THE TERM "LOCAL SERVICE DISTRICT" AND REPLACE IT WITH "LOCAL SERVICE AREA".

The Commission has noted that section 307 of *The Municipalities Act* does not provide for the designation of local service areas by the Lieutenant-Governor in Council. Both the creation of local service areas and the allocation of powers to advisory committees are at the sole discretion of the regional council. The Commission considers that the legislation is deficient in this regard. In creating a region and a regional council the Lieutenant-Governor in Council ought to be able to designate certain areas as local service areas with such powers undersection 308 as it considers appropriate.

Regional councils should continue to have the power to create local service areas where appropriate and to prescribe their powers under section 308. They should also be permitted to grant additional powers enumerated in section 308 to an advisory board created by the Lieutenant-Governor in Council.

The St. John's Metropolitan Area Board has encouraged inhabited areas under its jurisdiction to create citizens' committees to represent them in issues relating to their areas. These citizens' committees have had no official role but they have, nevertheless, functioned quite efficiently as mouthpieces of area residents. The section 307 advisory committees do have an official role and may have the power to recommend to the regional council on issues affecting residents. The Commission proposes that such advisory committees be established in certain in habited areas which would be under the direct jurisdiction of the proposed Regional Authority.

As stated at the beginning of this chapter, areas which are presently under the direct jurisdiction of the St. John's Metropolitan Area Board have been examined, by the Commission, to determine whether these areas should come under the jurisdiction of the Regional Authority or become incorporated or annexed to an existing municipality. In the Commission's opinion, wherever possible, communities should be directly represented by an elected municipal council. However, municipalities should be cost-efficient and have the ability to respond to the needs of the area residents under their jurisdiction. Furthermore, communities which are too isolated from existing municipalities to be easily annexed or which have an insufficient population and tax base should be under the direct jurisdiction of the Regional Authority. The Authority would provide basic municipal services and administration. Lands identified as resource lands, such as agriculture and watersheds should be insofar as practical under the jurisdiction of the Regional Authority. All populated areas included in these resource lands should be designated Local Service Areas as outlined in section 308 of *The Municipalities Act.* Residents living in designated Local Service Areas would elect advisory committies and have input, in an official capacity, on issues affecting them. The Regional Authority would have all the powers vested in a municipality under the provisions of *The Municipalities Act* in these local service areas.

The Community of Bauline

The Community of Bauline, and the general Bauline area with a population of 500 has been under the jurisdiction of the St. John's Metropolitan Area Board since 1976. The Board

provides basic municipal services and local government administration to the area. The older part of the community developed in the Bauline cove. Recent residential development has occurred along the Bauline Road and Pouch Cove Line. Development has been relatively slow, averaging 3 buildings per year since 1977.

The Commission has examined all the evidence available to it concerning the Bauline area and the community of Bauline and makes its recommendation in accordance with the principles established at the beginning of this chapter. Simply stated the ares is too isolated to be annexed to an existing municipality. Considering its small population and tax base it is also not suitable for incorporation as a separate municipality. It is therefore proposed that the area would remain under the jurisdiction of the Regional Authority as a designated local service area, with an elected advisory committee in accordance with sections 307 and 308 of *The Municipalities Act.*

The Community of Blackhead

The community of Blackhead ought to remain under the jurisdiction of the Regional Authority, as a designated local service area with an elected advisory committee. It is a rural community with a small population of approximately 140, a weak tax base and is remote from any existing municipality.

Broad Cove River Watershed Area

This area is located along a section of Thorburn Road. There are only approximately 560 people in the area and since it is within a protected watershed it ought to remain under the Regional Authority. It is proposed that it too be a local service area with an elected advisory committee.

Goulds/Kilbride Agriculture Area

This is a farming community of approximately 590 people located between the municipal boundaries of the Town of Goulds, the Town of Mount Pearl and the City of St. John's. The Commission proposes that the area remain under the jurisdiction of the Regional Authority as a designated local service area with an elected advisory committee. Since it is a resource area with a small population and weak tax base, in the Commission's opinion, it is not well suited for separate incorporation, or for annexation to an existing municipality. This view was supported by the Kilbride Citizens' Committee and farmers in the area in separate presentations to the Commission. They expressed a desire to remain under the St. John's Metropolitan Area Board or its successor, preferably with direct representation on any proposed regional board. However, the Commission feels that such representation is unnecessary and inappropriate and that the citizens of the area have indicated that they would be satisfied with an elected advisory committee as proposed. The residents main concern appears to be preservation of their farming community and its agricultural resource base.

Southern Shore Highway Area

This area is located between the proposed new boundary of the Town of Goulds and the Town of Bay Bulls. There are presently 81 dwellings, with an estimated population of 300 persons located along the highway adjacent to Bay Bulls Big Pond. The area is contained

within the bounds of a protected watershed. Its location, small population, weak tax base, and remoteness therefore indicate that it should remain under the Regional Authority. It is proposed that the area be designated a local service area with an elected advisory committee.

RECOMMENDATION 6.21

IT IS THEREFORE RECOMMENDED THAT THE FOLLOWING AREAS SHOULD REMAIN UNDER THE JURISDICTION OF THE REGIONAL AUTHORITY AS LOCAL SERVICE AREAS WITH ALL OF THE POWERS CONTEMPLATED BY SECTION 308. THE REGIONAL AUTHORITY WOULD HAVE ALL THE SAME POWERS AS A MUNICIPALITY IN THESE LOCAL SERVICE AREAS.

1. THE COMMUNITY OF BAULINE
2. THE COMMUNITY OF BLACKHEAD
3. BROAD COVE RIVER WATERSHED AREA
4. GOULDS/KILBRIDE AGRICULTURAL AREA NOT WITHIN MUNICIPAL BOUNDARIES
5. SOUTHERN SHORE HIGHWAY BETWEEN THE PROPOSED NEW BOUNDARY OF THE GOULDS AND THE TOWN OF BAY BULLS

FUTURE MUNICIPAL RESTRUCTURING

The Order establishing this feasibility report empowers the Commission to consider amalgamations of municipalities. Since the matter is largely incidental to the question of a revised mandate for the St. John's Metropolitan Area Board, the Commission considers it unnecessary to deal with it in great detail. However the subject was raised in the public hearings and therefore it is appropriate to deal with it in a general way.

Excluding the St. John's Metropolitan Area Board, there are 19 municipalities in the St. John's Urban Region, of which 17 have a population of less than 5000. The smallest population is 139, in Hogan's Pond. (See Table 6.1) In all there are over 450 municipal bodies in the Province, more than in Prince Edward Island, Nova Scotia and British Columbia combined. By contrast, British Columbia with five times the population of the Province has 132 municipalities.

Table 6.1

Population 1987 St. John's Urban Region Municipalities

City/Town	Population
Bay Bulls	1,114
Conception Bay South	15,531
Flatrock	884
Goulds	4,688
Hogan's Pond	139
Holyrood	2,118
Mount Pearl	20,293
Logy Bay-Middle Cove-Outer Cove	1,702
Paradise	3,346
Petty Harbour-Maddox Cove	974
Portugal Cove	2,497
Pouch Cove	1,961
St. John's	96,261
St. John's Metropolitan Area	3,945
St. Phillips	1,604
St. Thomas	648
Torbay	3,952
Wabana	4,057
Wedgewood Park	1,385
Witless Bay	1,022

Figures adjusted for 1986 and 1987 boundary changes.

Document sources: Metro Board as compiled from Statistics Canada (1986 Census).

The Whelan Commission in 1972, noted that the continued incorporation of progressively smaller communities was not in the public interest and proposed regional approaches and the pooling of money, facilities and equipment. The Henley Commission, looking at the St. John's Urban Region in 1974, criticized the proliferation of small municipal entities and noted that it was becoming increasingly difficult to provide effective local government of the region in a manner which would allow for controls to be implemented, money to be spent wisely and important decisions to be taken for the benefit of the region as a whole.

Little has occurred in the interim to suggest that the situation has improved significantly. In fact, this Commission is drawn to the almost inescapable conclusion that the existing municipal structure in the region, and indeed the Province, is seriously flawed in respect to its ability to provide an appropriate level of municipal services and administration throughout the Region and the Province. That is not to imply that all municipalities are structurally unsound, or that all small municipalities are weak and incapable of delivering municipal services. Rather, it is a reflection on the inherent limitations of resource-starved, small, fragmented municipal units to cope effectively with providing an adequate level of administration and servicing in a cost efficient manner. Sparsely populated municipalities often encompass large areas which are difficult and costly to administer and service. The pattern is repeated throughout the Province, and the problems are exacerbated because the Province itself is revenue-starved and unable to sufficiently increase its level of support to municipalities.

Very significant improvements have occurred in the institution of local self-government in the Province. The implementation by the Province of the major recommendations of the Whelan Commission, resulted in a new *Municipalities Act* and a new *Municipal Grants Act.* That legislation established a sound framework for municipal government and the basis for further improvements in municipal structure. Moreover, there is a better general awareness and acceptance of the importance of local government and its place in our society. Municipalities are better managed and staffed, and municipal councillors themselves are generally more realistic in how they view their role in local government, and accept responsibility for the provision of local municipal services.

The St. John's Urban Region Study, the Henley Commission and other initiatives have had significant impact in the region. The implementation of the St. John's Urban Region Regional Plan and the adoption of local municipal plans have resulted in much needed development control and more orderly municipal growth throughout the region. The St. John's Metropolitan Area Board,itself, has been an important municipal instrument in the region and a very significant force for orderly growth and development. The provision of major regional trunk sewer and water mains in the urban core and the increased cooperation and sharing of some municipal services are important developments. There is a more general acceptance of the need for municipal cooperation and a regional approach. The formation of the North East Avalon Town's Joint Councils in recent years, and the success of Metro board as a regional entity are noteworthy.

On the other hand the separate incorporation of so many small communities, which resulted in a very fragmented municipal structure, has to be viewed with concern. This Commission does not question the legitimate desire and right of citizens to have access to elected local government and to preserve the identity of their communities. It does question the wisdom of incorporating so many small municipalities and whether they provide the best

vehicle for delivery of local government in this region. The Whelan Commission's findings, since supported by other studies, raised questions about the efficiencies of scale, the availability of sufficient revenue and the inability of small local government units to hire trained administrative and technical personnel. These questions are still valid.

All municipalities have to manage with limited revenues and increasing demands for more costly services. Smaller municipalities are severely restricted in their ability to raise local revenues and to fund expensive municipal servicing projects. The demands on the Provincial Government for assistance in municipal servicing are enormous, while the Province's fiscal capacity is very limited. Since the ultimate objective of municipal government is to provide local government administration and services in an effective and cost-efficient manner, one would have to wonder if the present municipal structure is the appropriate vehicle; or can it be achieved better by municipal cooperation, regional approaches and consolidation of smaller municipal units. This commission is unable to suggest definitive answers, however, it appears obvious that municipalities ought to be economically viable, with a resource base sufficient to enable them to discharge their responsibilities.

Local identity and autonomy are issues frequently raised in support of incorporation of small communities and indeed figured prominently in presentations to the Commission by the smaller municipalities. They are legitimate concerns, however, one wonders if they can stand up under objective examination and in the face of cold reality. It is true that local autonomy suffers when smaller communities are amalgamated with larger ones and there is some impact on local identity — but local identity does not disappear. Local place-names and identities continue even under urban conditions. East Meadows, Shea Heights, Kilbride, Mundy Pond are all examples in the City of St. John's. In Conception Bay South, nine communities joined to form one municipality-successfully-without any loss of local identity.

As stated previously this Commission is unable to take a definitive position on future municipal restructuring in the region. Whether wide-spread amalgamation is desirable or appropriate should be the subject of a detailed study in the future. The Regional Authority proposal submitted will, in the Commission's opinion, improve the situation and perhaps in time form the basis and impetus for further cooperation and consolidation. It seems that the matter is Province-wide in scope and perhaps ought to be addressed from that perspective.

In the Commission's opinion, without the benefit of detailed examination, it would appear that there are far too many municipal units in the region and that perhaps something in the order of 6 to 8 would be more appropriate than the existing 20.

Hogan's Pond

The Commission has looked closely at the smallest municipal unit in the region, the Town of Hogan's Pond, which has a population of 139. It concludes that there is no justification for the community to remain a separate municipality and that it ought to be amalgamated with the Town of St. Phillips.

The community of Hogan's Pond was first incorporated as a Local Improvement District on October 5, 1971 following representation by the residents to the then acting Minister of Municipal Affairs and Housing, Premier Joseph R. Smallwood. The management and control

of the District was entrusted to an appointed Board of Trustees consisting of five permanent and summer residents. At the time, the sole argument for removing the area from the jurisdiction of the St. John's Metropolitan Area Board was the need for control at the local level over building, sanitation and the prevention of pollution.

The Local Improvement District of Hogan's Pond became the Town of Hogan's Pond following the proclamation of *The Municipalities Act.* Unlike most of the other towns in the Province, however, Hogan's Pond elected to stay with an appointed council for purposes of local governance, a system which has remained in place to date.

Municipal Council Operations

Council members are appointed at pleasure by the Lieutenant-Governor in Council. The current council consists of seven members including the Mayor and Deputy Mayor. The appointment process allows a member to remain on a town council until such time as they chose to resign or they are deceased. According to the latest records from Municipal Affairs three of the original five members of the Board of Trustees remain on the Town Council.

The Town of Hogan's Pond has no paid or volunteer staff. All town business is handled by the Mayor. The Town does not appear to have a town office as its mailing address is listed as Central Supply, Bldg. 801, Pleasantville. According to the Department of Municipal Affairs it is extremely doubtful that the Town holds regular council meetings and may, in fact, hold no meetings at all. The Town did not submit a brief nor did any representative attend any of the Commission's public hearings.

Municipal Services

The Town provides its residents with regulatory services only. All other municipal services such as street lighting, garbage collection etc. are the responsibility of each resident. Snow clearing and road maintenance is taken care of by the Department of Transportation.

Taxation

The Town of Hogan's Pond does not impose any taxes, rates or assessments on either residents or real property. There may be a small fee attached to the processing of Building Permits but this would constitute the only source of local revenue. All other revenue is derived from the Provincial government in the form of statutory grants. Total government grants for 1987 were $580.00

The Municipalities Act

The Town of Hogan's Pond is subject to all provisions of *The Municipalities Act.* This would include the requirement that:

i) Council meet at least once a month for the dispatch of general business (Section 27)

ii) Council appoint a Town Clerk (Section 42(1))

iii) Council prepare and adopt a budget containing revenue and expenditure estimates not later then he first day of December of each year (Section 73. (1)) and send a copy of that budget to the Minister on or before the thirty-first day of December in each years. (Section 73.(2))

iv) Council satisfy all other financial requirements as listed in the Legislation.

v) Council provide for the collection of solid waste within the Town and for its disposal. (Section 180)

Up to this date the Town Council has apparently never satisfied these requirements. It has in effect ceased to operate and under the provisions of *The Municipalities Act* should be dismissed. Given the very small population of the Town (139 residents) and its extremely limited geographic area it should in fact be disestablished and amalgamated with the neighbouring Town of St. Phillips.

RECOMMENDATION 6.22

IT IS THEREFORE RECOMMENDED THAT THE TOWN OF HOGAN'S POND BE DISESTABLISHED AND AMALGAMATED WITH THE TOWN OF ST. PHILLIPS.

ENDNOTES

[1] *The Acres Report, supra,* page 99.

[2] Brief to the Commission regarding the Revised Mandate of the St. John's Metropolitan Area Board; Metro Board, May 1987, page 10-7.

[3] Metro Board Brief, *supra,* page 10-4.

[4] Brief concerning the St. John's Metropolitan Area Board Feasibility Study; Town of Mount Pearl, May 1987, page 8.

[5] Mount Pearl Brief, supra, page 8.

[6] Brief submitted by the Elizabeth Park-Evergreen Village Citizens' Committee, May 1987, page 2.

[7] The Paradise Proposal: A Community Builders perspective on the Future of the St. John's Metropolitan Area Board; Paradise, May 1987, page 13.

[8] *The Acres Report, supra,* page 97.

[9] Brief concerning St. John's Metropolitan Area Feasibility Study; Town of Pouch Cove, May 1987, page 1.

[10] Brief concerning the St. John's Metropolitan Area Board Feasibility Study; Town of Mount Pearl, May 1987; page 5.

[11] Mount Pearl Brief, *supra,* page 9.

[12] Estimated population figure was provided by Mount Pearl. The St. John's Metropolitan Area Board indicated the correct figure would be significantly lower.

[13] Brief to the Public Hearing St. John's Metropolitan Area Feasibility Study; Petty Harbour-Maddox Cove Town Council, May 5, 1987, page 1.

[14] 1986 Census of Canada Final Population and Dwelling Counts; statistics Canada, June 1987, page 6.

[15] Freshwater Bay Development Area Act.

[16] Brief to the Public Hearing St John's Metropolitan Area Feasibility Study; Petty Harbour - Maddox Cove Town Council, May 5, 1987, page 2.

[17] St. John's Urban Region Regional Plan - Review and Consolidation 1986; Newfoundland and Labrador Department of Municipal Affairs, Urban and Rural Planning Division, page 3.

[18] Regional Plan, *supra,* pages 2 and 3.

Chapter VII

SUMMARY OF RECOMMENDATIONS

The following is a summary of recommendations contained in the Report including those recommendations required under *The Feasibility Report Regulations* (1980) Section 10.(3).(a).

The Northeast Avalon Regional Authority

RECOMMENDATION 2.1

It is recommended that *The St. John's (Metropolitan Area) Act* be rescinded and that a Regional Authority be established under the provisions of *The Municipalities Act.*

RECOMMENDATION 2.2

It is recommended that the Ministerial Order regarding the proposal be made as soon as possible, to allow full implementation of the proposal to become effective not later than April 1, 1988.

RECOMMENDATION 2.3

It is recommended that, excluding the area of Bell Island, the boundaries of the proposed region would coincide with those of the St. John's Urban Region as recommended in Chapter VI.

RECOMMENDATION 2.4

It is recommended that the name of the region would be the Northeast Avalon Region.

Composition of the Authority

RECOMMENDATION 2.5

It is recommended that the Regional Authority should consist of 9 members as follows:

a) A chairman appointed by the Lieutenant-Governor in Council for five year terms.

b) Eight municipal representatives nominated by the councils in the region from their elected members and appointed by the Lieutenant-Governor in Council for a term to coincide with their regular terms of office as municipal councillors.

   1. Three members from the St. John's Council;
   2. One member from the town council of Mount Pearl;
   3. One member from the town councils of Conception Bay South and Holyrood;
   4. One member representing the town councils of Paradise, Portugal Cove, St. Phillips and St. Thomas;
   5. One member representing the town councils of Flat Rock, Logy Bay-Middle Cove-Outer Cove, Pouch Cove, Torbay and Wedgewood Park;
   6. One member representing the town councils of Bay Bulls, Goulds, Petty Harbour-Maddox Cove, and Witless Bay.

c) The Chairman and members would each have a single vote.

Responsibilities and Powers

RECOMMENDATION 2.6

It is recommended that the Regional Authority established under *The Municipalities Act* will have its specific responsibilities and powers designated under the provisions of said act. Further, that such responsibilities and powers will be assigned subject to consultation with the member municipalities and determination of cost efficiency and practicality.

RECOMMENDATION 2.7

It is recommended that, in assigning a mandate to the Regional Authority, the Authority be specifically precluded from involvement in local municipal matters, except in those matters covered under contract with individual municipalities.

RECOMMENDATION 2.8

It is recommended that the Regional Authority not be granted powers to impose taxes in local municipal matters, except in those matters covered under contract with individual municipalities.

RECOMMENDATION 2.9

It is recommended that the Regional Authority not be granted powers to impose taxes in local municipalities or to apply a general assessment throughout the region.

Regional Services

RECOMMENDATION 3.1

It is recommended that the Regional Authority be given responsibility for all regional water supply systems. Initially this would include the Bay Bulls Big Pond Water Supply System and could include the St. John's Water Supply System but the latter could be delayed until it serviced additional municipalities.

RECOMMENDATION 3.2

It is recommended that construction and operation of the regional sanitary sewage collection and disposal system, including pumping stations and sewage treatment plants which serve more than one municipality, be designated the overall responsibility of the Regional Authority.

RECOMMENDATION 3.3

It is recommended that responsibility for the development and ongoing monitoring of a Regional Storm Water Management Plan be vested in the Regional Authority.

RECOMMENDATION 3.4

It is recommended that the Regional Authority be vested with overall responsibility for regional solid waste disposal. Operation of existing waste disposal sites would continue to be a municipal responsibility until a Regional Solid Waste Management Plan is adopted.

RECOMMENDATION 3.5

It is recommended that responsibility for monitoring the St. John's Urban Region Regional Plan be vested in the Regional Authority under *The Urban and Rural Planning Act.* Municipal planning would continue to be the responsibility of local municipalities.

RECOMMENDATION 3.6

It is recommended that the Regional Authority would be given responsibility for local area planning in the otherwise unorganized areas within the region.

RECOMMENDATION 3.7

It is recommended that the Regional Authority be given powers to engage in joint planning.

RECOMMENDATION 3.8

It is recommended that the Regional Authority be responsible for development control in the otherwise unorganized areas of the region, for administration of the St. John's Urban Region Subdivision Regulations and for control of development along designated protected roads.

RECOMMENDATION 3.9

The Commission recommends that the Regional Authority not be given the mandate to provide regional police services.

RECOMMENDATION 3.10

It is recommended that the St. John's Fire Department continue to be operated by the Department of Justice until such time as manning requirements have been thoroughly analyzed and action taken to resolve over-manning which might be identified. Once this has been dealt with, responsibility for the St. John's Fire Department should be transferred from the Department of Justice to the Regional Authority.

RECOMMENDATION 3.11

It is recommended that the East End Station be closed and that its crews, pumper and equipment be transferred to a new fire station located in the Western area of Mount Pearl to be part of the St. John's Fire Department and, ultimately, part of a Regional Fire Service under the auspices of the Northeast Avalon Regional Council.

RECOMMENDATION 3.12

It is recommended that volunteer fire services in the region remain local in nature and independent of the Regional Authority. In the long term, if and when a volunteer department evolves into a paid or partly paid service then it, like the St. John's Fire Department, should come under the control of the Regional Authority and become part of a regionally coordinated fire response system.

RECOMMENDATION 3.13

It is recommended that emergency ambulance services be separate and distinct from non-emergency ambulance services and be better distributed geographically. It is also recommended that the Northeast Avalon Regional Authority become responsible for ensuring that emergency ambulance services are properly distributed in the region either through the St. John's Fire Department when it is turned over to the Regional Authority, through private ambulances or through a combination of the above.

RECOMMENDATION 3.14

It is recommended that the Regional Authority ultimately be given responsibility for the 911 System. This would coincide with the transfer of responsibility to the authority for the St. John's Fire Department.

RECOMMENDATION 3.15

It is recommended that the Regional Authority be authorized to undertake certain municipal functions and technical and adminsitrative services subject to the provisions of *The Municipalities Act* Section 505(d) and (e) and agreement with the municipalities concerned and the recovery of full cost. Further, municipalities would not be required to enter into any such agreements.

Staff Requirements

RECOMMENDATION 4.1

It is recommended that the Chairman of the Regional Authority be its chief executive officer and that the position be fulltime for at least five years. Further, that the position be reviewed at the end of five years to determine the suitability of the incumbent and whether or not the position should continue to be fulltime.

RECOMMENDATION 4.2

It is recommended that the existing town engineer would assume the position of Regional Engineer-Manager, reporting to the Chairman, and be responsible for the operation of the Regional Authority.

RECOMMENDATION 4.3

It is recommended that the existing position of Town Planner be reclassified to Regional Planner reporting to the Regional Engineer-Manager.

Resource Land Administration

RECOMMENDATION 5.1

It is recommended that, subject to certain limited exceptions, all agricultural land now within the jurisdiction of the St. John's Metropolitan Area Board and currently within the St. John's Urban Region Agricultural Development Area, and any other lands under the jurisdiction of the St. John's Metropolitan Area Board presently designated by *The Department of Rural, Agricultural and Northern Affairs* as future agricultural development areas, be under the management and control and within the jurisdiction of the Regional Authority and not be included within the municipal boundaries of other municipalities in the region.

RECOMMENDATION 5.2

It is therefore recommended that government adopt a policy of reviewing the agricultural development areas at 10 year intervals, with the first interval in this region to commence upon the completion of the present review of agricultural zones in this region, scheduled to be completed late in 1987 or early in 1988.

RECOMMENDATION 5.3

It is recommended that the Conception Bay Agricultural Lands, The Old Broad Cove Road Agricultural Lands and a very small portion of the Windsor Heights Agricultural Lands be included within the boundaries of the municipalities indicated in Chapter VI subject to the condition that:

1. A policy is adopted by government of reviewing agricultural zones only at 10 year intervals; and
2. Necessary legislative and regulatory changes are made so that the municipalities acquiring jurisdiction over the aforesaid lands cannot impose on farming enterprises therein business taxes based upon the assessed value of the land and must assess business taxes on farming enterprises, if any, as a percentage of gross revenue from the business.

RECOMMENDATION 5.4

It is recommended that *The St. John's Urban Region (Agriculture) Development Area Regulations, 1986* be amended by deleting all references therein to St. John's Metropolitan Area Board and substituting therefore Northeast Avalon Regional Authority.

RECOMMENDATION 5.5

It is recommended that the Bay Bulls Big Pond, Thomas Pond and Pierre's Brook Protected Watersheds be under the exclusive jurisdiction of the Northeast Avalon Regional Authority subject to Provincial Regulation.

RECOMMENDATION 5.6

It is recommended that jurisdiction over the Windsor Lake-Broad Cove River Watershed Areas which are presently under the jurisdiction of the St. John's Metropolitan Area Board rest in the Northeast Avalon Regional Authority. The City of St. John's may continue its present controls until other municipalities connect to that water supply, when exclusive authority will rest in the Regional Authority. However, if government elects to transfer management and operation of the Windsor Lake Water System to the Regional Authority now, exclusive jurisdiction over the watershed areas and the supply system would be given to the Regional Authority at the same time.

RECOMMENDATION 5.7

It is recommended that jurisdiction over the Petty Harbour-Long Pond Watershed lands be the same as the jurisdiction over the Windsor Lake and Broad Cove Watershed areas as described in Recommendation 5.6.

RECOMMENDATION 5.8

It is recommended that a thorough evaluation be conducted of the North Arm Watershed to determine if it is practicably suitable for use as part of the regional water supply system. In the event that the watershed is suitable for development as a source of potable water then jurisdiction over the watershed lands within the Town of Holyrood could remain with the town until development is planned when exclusive jurisdiction would be transferred to the Regional Authority. Provided in the period prior to transfer of jurisdiction to the Regional Authority any development in the watershed approved by the Town of Holyrood must also be approved by the Regional Authority before a permit is issued.

RECOMMENDATION 5.9

It is recommended that the Regional Authority be given development control over Regional Watershed areas inside municipal boundaries.

Municipal Structure and Boundary of the Region

RECOMMENDATION 6.1

Subject to a thorough analysis of the North Arm Watershed as a potential regional water supply source, it is recommended that the boundaries of the Northeast Avalon Region remain the same as those of the present St. John's Urban Region except for the expansion of the boundary to include all of the North Arm Watershed and except for the exclusion of Bell Island from the region.

RECOMMENDATION 6.2

It is recommended that all boundary changes proposed in relation to the establishment of the Regional Authority become effective January 1, 1988, the beginning of the municipal fiscal year.

RECOMMENDATION 6.3

It is recommended that the Municipal Boundary of the Town of Paradise be expanded to include the area known as Donna Road East, the residential subdivision of Elizabeth Park, The Evergreen Village Trailer Park and other lands such that the town is bounded by the Broad Cove River Protected Watershed in the North and the Trans-Canada Highway in the East.

RECOMMENDATION 6.4

It is recommended that the area of Topsail Pond-Three Island Pond currently designated as Rural Residential 4 Area be annexed to the Town of Paradise. The new boundary delimitation should follow the existing Metro Board land use designations.

RECOMMENDATION 6.5

It is recommended that the lands currently designated rural and agricultural lands in the Topsail Pond-Three Island Pond Area be annexed to the Town of Conception Bay South.

RECOMMENDATION 6.6(a)

It is proposed that the entire Octagon Pond Industrial Park be put under the jurisdiction of a joint authority having full municipal power within the area. That joint authority would be comprised of two representatives from the Town Council of Conception Bay South and two representatives from the Town Council of Paradise. In addition, the chairman of the Regional Authority would be a member of this joint authority and would serve as chairman. Costs and revenues would be shared subject to a grandfather provision for those industries which are currently within the boundaries of the Town of Paradise and would be removed therefrom if this proposal were implemented.

RECOMMENDATION 6.6(b)

In the alternative, it is proposed that the area of the Octagon Pond Industrial Park which is now within the jurisdiction of the St. John's Metropolitan Area Board together with a small portion of land along the Manuels Access Road and between it and Three Island Pond be annexed to the Town of Conception Bay South.

RECOMMENDATION 6.7

It is recommended that the boundaries of the Town of Conception Bay South be expanded to include the developed area along the Foxtrap Access Road.

RECOMMENDATION 6.8

It is recommended that the bounds of the Blast Hole Pond Protected Watershed be included within the town boundary of the Town of Portugal Cove.

RECOMMENDATION 6.9

It is recommended that the boundary of the Town of Portugal Cove be expanded to include that land area on the Indian Meal Line including the Downer and Shea Subdivision.

RECOMMENDATION 6.10

It is recommended that the boundary of the Town of Portugal Cove be expanded to take in the Windsor Heights Subdivision and certain residential units along Portugal Cove Road which are not within the Windsor Lake-Old Broad Cove River Protected Watershed.

RECOMMENDATION 6.11

It is recommended that the Southeastern boundary of the Town of Portugal Cove be expanded to meet the boundary of the Town of St. Phillips so as to include the Witch Hazel Road/Old Broad Cove Road Agricultural Area.

RECOMMENDATION 6.12

It is recommended that the boundary of the Town of St. Phillips be expanded to meet the revised Southeastern boundary of the Town of Portugal Cove, including all that area of Oliver's

Pond and the surrounding lands, to the general limits of the Windsor Lake-Broad Cove River Protected Watershed subject to existing zoning and land use restrictions.

RECOMMENDATION 6.13

It is recommended that the municipal boundary of the Town of Pouch Cove be revised to exclude that portion of Marine Drive Park currently within the town's jursidiction.

RECOMMENDATION 6.14

It is recommended that the municipal boundary of Mount Pearl **not** be expanded to include that portion of the Kilbride farmlands to the limit of the proposed East / West Arterial Road.

RECOMMENDATION 6.15

It is recommended that the municipal boundary of Mount Pearl be expanded to include the land on the Eastern side of Commonwealth Avenue to a depth of approximately 60 meters (200 ft.) from the Commonwealth Avenue Right-of-Way.

RECOMMENDATION 6.16

It is recommended that the municipal boundary of Mount Pearl be expanded to include those lands referred to as the "Southlands" but excluding Cochrane Pond Provincial Park and those portions of the Agricultural Development Area. Further that implementation of this recommendation be delayed until such time as it is deemed necessary for development to proceed.

RECOMMENDATION 6.17

It is recommended that the Southern boundary of the Town of Petty Harbour-Maddox Cove be moved to take in the Anglican Cemetery and aforementioned residential units.

RECOMMENDATION 6.18

It is recommended that the western portion of Petty Harbour-Maddox Cove's existing boundary be moved so as to exclude the area of the Petty Harbour-Long Pond Protected Watershed currently included in the town's jurisdiction substituting the watershed delimitation as far to the Northeast as the Punch Mile Gullies; thence bearing due east to Maddox Cove Pond through the "Blazed Tree" point marking the general limit of property ownership along the Maddox Cove Road; thence due south to the Northeast corner of the present boundary to Three Peak Hill and continuing to the shoreline at Gunners Hole on Motion Bay.

RECOMMENDATION 6.19

It is recommended that the municipal boundary of the Town of Goulds be expanded to include those residences along the Southern Shore Highway located between the Town's Southernmost boundary and the northeastern corner of the Bay Bulls-Big Pond Protected Watershed.

Local Service Area

RECOMMENDATION 6.20

It is recommended that *The Municipalities Act* Sections 307 and 308 be amended to remove the term "Local Service District" and replace it with "Local Service Area".

RECOMMENDATION 6.21

It is recommended that the following areas should remain under the jurisdiction of the Regional Authority as Local Service Areas with all of the powers contemplated by Section 308. The Regional Authority would have all the powers of a municipality within these local service areas.

1. The community of Bauline
2. The community of Blackhead
3. Broad Cove River Watershed Area
4. Goulds/Kilbride agricultural area not within municipal boundaries
5. Southern Shore highway between the proposed new boundary of the Goulds and the Town of Bay Bulls

RECOMMENDATION 6.22

It is recommended that the Town of Hogan's Pond be disestablished and amalgamated with the Town of St. Phillips.

All of which we respectfully submit.

Ronald A. Fagan
Chairman

Janet Henley Andrews
Commissioner

Michael F. Harrington
Commissioner